



Michael Scott-Kristansen

He | Him | His
Special Counsel

Rochester

P: 585.295.4306

mScott@barclaydamon.com

Education

- University at Buffalo School of Law, *Magna Cum Laude*; *Human Rights Law Journal*, JD
- State University of New York at Brockport, *Summa Cum Laude*, BS

Practices & Industries

- Health Care Controversies
- Health & Human Services Providers

Admitted to Practice

- New York

Court Admissions

- US District Court for the Western District of New York

Biography

Michael focuses his practice on representing health care and human services providers in a wide range of litigation and compliance matters.

He regularly advises clients on matters involving audits and investigations, reimbursement and billing, conditions of participation, regulatory compliance and enforcement, HIPAA compliance and breach investigations, insurance and payor disputes, licensing and professional discipline, and debt collection.

Michael prosecutes and defends lawsuits on behalf of health care and human services providers and administrative hearings involving the Centers for Medicare & Medicaid Services, the Department of Health, the Office of the Medicaid Inspector General, the Office of Professional Medical Conduct, the Office of Professional Discipline, and other administrative bodies concerning reimbursement, overpayments, compliance, conditions of participation, and licensing matters.

Bar Associations

- New York State Bar Association, Health Law Section, Long-Term Care Committee and Litigation Committee, Member

Representative Experience

- Led the defense of multiple year-long investigations by the Office of the New York State Attorney General into various nursing homes' responses to the COVID-19 pandemic.
- Successfully negotiated six-figure settlements with managed care plans on behalf of long-term care and adult care facilities for wrongfully denied claims and delayed payments.

- Obtained a 95 percent reduction in the recoupment and penalty for a medical billing service targeted by the Medicaid Fraud Control Unit for allegations of fraudulent billing.
- Successfully prosecuted administrative appeals in cases of first impression concerning Medicaid documentation requirements for long-term care providers, which served as the basis for overturning over two dozen OMIG final audit reports.

Prior Experience

- Pullano & Farrow PLLC, Associate
- Hurwitz & Fine, PC, Associate

Selected Community Activities

- Mary M. Gooley Hemophilia Center, Board of Directors, Chairperson

Selected Honors

- Selected to *Super Lawyers* Upstate New York Rising Stars: Health Care, 2017–2024
- Healthcare Business Academy, Fellow, 2017
- *New York Daily Record*, Up & Coming Attorneys, 2017

Selected Speaking Engagements

- 45th Annual Association for Community Living Agencies in Mental Health (ACLAIMH) Conference, "Lawsuits, Audits, Investigation, and Other Legal Threats: Be Prepared for Your Next Legal Challenge," Co-Presenter
- LeadingAge 2022 Annual Meeting, "Getting Paid: Best Practices to Avoid Non-Payment"
- Estate Planning Council of Rochester, "Medicare, Medicaid & Health Care Cost Considerations During Retirement"
- *Rochester Business Journal*, "Business Focus First 100 Days"

Selected Media

- News 10 NBC, “Good Question: Do HIPAA Rules Apply to Vaccine Passports?”
- Defense Research Institute, “Sexual Torts: Providing a Path Through the Fire”
- Harmonie Group, “Omnibus Rule Implications for Law Firms as Business Associates”
- Harmonie Group, “Omnibus Rule Implication for Covered Entities”

Selected Alerts & Blog Posts

- CDPAP Providers Get First Look at the Future of CDPAP Without FIs
- The New York FY 2025 Budget – CDPAP FIs Under Threat
- The New York Fiscal Year 2025 Executive Budget Takes Aim at Long-Term Care
- New York State Nursing Facilities: Important Deadline Looming for Eligible Rate Appeals
- Will Federal Precedent and Newly Announced NYS PBM Reform Efforts Collide?