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Industry
Healthcare, Life Sciences & Pharmaceuticals

Related Services
Government Compliance, Investigations & Litigation
Healthcare Litigation
Senior Housing

Barbara Miltenberger

OF COUNSEL

A member of the Healthcare, Life Sciences & Pharmaceuticals team, Barb practices in the areas of healthcare and administrative law, with an emphasis in regulatory matters and fraud and abuse. She counsels acute and post-acute providers such as hospitals, long-term care facilities, home health, hospice and assisted-living facilities in all aspects of regulatory issues. A registered nurse for 33 years, Barb thrived on the high stress of open-heart intensive-care units in which she primarily worked before her legal career.

Barb has defended healthcare providers in actions to terminate participation in Medicare and Medicaid and/or a provider's license. She has tried cases before the Appeals Board and the Civil Remedies Division of the Department of Health and Human Services (HHS), contesting sanctions and civil monetary penalties and obtained favorable results. Additionally, she has represented clients responding to Department of Justice and Office of Inspector General subpoenas relating to Medicare billing and quality of care issues.

Among Barb's noteworthy accomplishments are:

- Overturning immediate jeopardy citations and sanctions for skilled nursing facilities through the federal appeals process.
- Negotiating settlement with the regional office of the Centers for Medicare and Medicaid Services (CMS) and the U.S. Attorney's Office to avoid termination of a skilled-nursing facility.
- Obtaining favorable outcomes for numerous skilled-nursing facilities in informal dispute resolution procedures and resident discharge hearings.

Barb represents clients in reimbursement appeals in federal and state venues.

In addition, she has extensive experience representing numerous professionally licensed individuals such as physicians, dentists, pharmacists and nurses before their respective licensing boards. Barb has represented associations of healthcare professionals in broad policy matters.

In 2010, Barb was elected to the Board of Directors of the American Health Lawyers Association (AHLA) after completing her third year as the chair of AHLA's practice group on long-term and post-acute care. She is a frequent author and presenter nationally and regionally on issues related to healthcare.

She has participated in the following reported opinions:

- *Woodland Hills Healthcare and Rehabilitation Center of Jacksonville LLC v. CMS,* Decision No. CR2780 (May 2013)
- *Christian Health Care of Springfield East v. CMS*, Decision No. CR2008 (September 2009)
- *IHS of Kansas City at Alpine North v. CMS*, Decision No. CR1585 (April 2007)

Representative Experience

- Negotiated settlement with the regional office of CMS and the U.S. Attorney's Office to avoid termination of a skilled-nursing facility.
- Represented with favorable results numerous skilled-nursing facilities in informal dispute resolution procedures and resident discharge hearings.

Awards & Recognitions

- Business Practitioner Award, *Missouri Lawyers Weekly*, 2014
- Martindale-Hubbell AV Preeminent

Professional Associations & Memberships

- American Bar Association, Health Law Section
- American Health Lawyers Association, Board of Directors, 2010-present
- The Missouri Bar

Admissions

- Missouri, 1989

Education

- J.D., University of Missouri School of Law, 1989
  Order of the Coif
  Journal of Dispute Resolution, 1987-1988
  Missouri Law Review, 1988-1989
- B.S.N., Nursing, University of Arkansas for Medical Sciences, 1977

Clerkships

- Law Clerk, The Hon. William H. Billings, Supreme Court of Missouri, 1989

Publications & Presentations

- Co-author, "Value-Based Purchasing – What's Ahead for Healthcare Providers," *AHLA Connections*, February 2012
- Co-author, "ACOs and Post-Acute Providers," chapter for *The ACO Handbook: A Guide to Accountable Care Organizations*, January 2012
- Co-author, "Post-Acute Care Providers – Brave New World After the ACA", Health Law Handbook, 2012 edition, West/Thompson Reuters
- Co-author, "Compliance Issues for Nursing Facilities: The New World Order," Health Law Handbook, 2011 edition, West/Thompson Reuters
- Speaker, "Corporate Compliance and Ethics Plans: Why, What and How to Survive," Kansas Health Care Association, Kansas Center for Assisted Living, webinar, March 2013
- Speaker, "Corporate Compliance Plans: Why, What and How to Survive," Missouri Alliance for Home Care, webinar, January 2013
- Speaker, "What We Have Here Is … Failure to Communicate," Missouri Health Care Association, St. Charles, Mo., August 2012
- Speaker, "Immediate Jeopardy; Possible Medicare Termination? What Do We Do?" American Health Lawyers Association's in-house counsel program, Boston, Mass., June 2011
- Speaker, "Drugs in Long-Term Care: What's the Problem?" American Health Lawyers Association's long-term care and the law program, San Diego, Calif., February 2011
- Speaker, "Quality & Integration Between Hospitals & Long-Term Care Facilities," Tennessee Bar Association's 22nd annual health law forum, Nashville, Tenn., October 2010