HUSCH BLACKWELL

Bryan K. Nowicki

PARTNER

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OVERVIEW

Bryan offers hospice clients comprehensive, nationwide representation on complex litigation, compliance and business matters.

With more than 20 years of litigation and regulatory experience, Bryan helps hospice clients across the country navigate the heavily regulated healthcare space. Home health agencies, palliative care organizations, hospitals and skilled nursing homes are among those that also rely on Bryan's counsel. He is a staunch advocate when representing clients before local, state and federal judicial, quasi-judicial, administrative and legislative bodies. Clients also appreciate Bryan as an effective and responsive crisis manager when changing regulations destabilize daily operations. Working closely with clients, he develops practical strategies and remediation when they face issues including:

Our nonprofit mission-driven hospice operates in a very conscientious manner. Our Husch Blackwell hospice partners are attuned to that and often assist us in making affordable decisions that also meet our needs. We are confident in the attorneys who assist us and appreciate the team's knowledge of our organization and operations. They anticipate our needs and convey strategies in a meaningful way. They are outstandingly knowledgeable!

— President and CEO, Florida nonprofit hospice agency

Industries

Education
Healthcare
Life Sciences

Services

False Claims Act
Healthcare Litigation
Healthcare Operations
Healthcare Providers
Healthcare Regulatory & Compliance Counseling
Hospice & Palliative Care
Hospice Medicare & Medicaid Audits
Post-Acute Care
White Collar, Internal Investigations, & Compliance

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- State and federal investigations
- Whistleblower complaints
- Audits
- Federal fraud and abuse claims

Bryan understands that proactive compliance is often the best and most cost-effective defense, and he enjoys advising hospices and other healthcare clients on not only compliance but innovative concepts that can improve performance. He strives to deliver efficient solutions that meet clients' legal, clinical and operational demands.

Experience

REGULATORY

- Routinely assists hospices in navigating audits and investigations by Unified Program Integrity Contractors (UPICs), Medicare Administrative Contractors (MACs) and Medicaid Integrity Contractors (MICs), reducing overpayment claims through analysis and rebuttal of technical, clinical and statistical positions of auditors.
- Regularly counsels hospices and related palliative/healthcare clients on broad array of regulatory issues, including medical director and other physician relationships, Medicare and Medicaid survey issues, reimbursement (including repayments and disclosures), corporate compliance and compliance program development.
- Routinely counsels hospices and related palliative/healthcare clients on federal fraud and abuse law matters, including Anti-Kickback Statute (AKS), Stark Law and False Claims Act (FCA).
- Through administrative appeal process, decreased alleged $8.6 million hospice client's overpayment identified during Medicare audit to less than 1 percent: $77,000.
- Appealed alleged overpayment finding during Medicare audit that placed nonprofit hospice client on brink of ceasing or selling operations, reducing overpayment by approximately $20 million.

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Experience

CRISIS MANAGEMENT

- Provides numerous clients with crisis management, and accompanying counsel on loss prevention and risk identification, assisting clients in mitigating, reducing or eliminating exposure.
- Counsels clients and helps them stay in business when they face unexpected obstacles as a result of quickly changing regulations such as Medicare payment suspension, which can be 95 percent of operational cash flow.

HEALTHCARE & GENERAL LITIGATION

- Won appeal in *In Home Health, LLC v. Kennedy*, --- F.4th ---- (6th Cir. 2026), securing favorable precedent for hospice and other healthcare providers seeking Medicare reimbursement. In a first-ever opinion at the circuit level, the court clarified that Medicare's safe-harbor limitation-on-liability statute ensures providers receive reimbursement whenever they reasonably interpret operative Medicare notices and practice standards as applied to particular patients.
- Successfully represented hospice provider in False Claims Act (FCA) and Anti-Kickback Statute (AKS) case before U.S. District Court for the Southern District of Georgia and the U.S. Court of Appeals for the Eleventh Circuit, securing non-intervention decisions by state and federal authorities, dismissal of all claims at the District Court, and affirmance of full dismissal at the Court of Appeals.
- Represented scores of healthcare clients in state and federal lawsuits, arbitrations, and administrative adversary proceedings.
- Negotiated non-intervention decisions with federal and state government enforcers in False Claims Act matters.
- Persuaded trial court to dissolve a temporary restraining order that had halted a pending arbitration proceeding.

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Experience

- Successfully challenged, in circuit court, an administrative law judge's decision to deny confidential status to a client's highly proprietary business information.
- In pro bono case, successfully overturned summary judgement on deliberate indifference claim in U.S. Court of Appeals, Seventh Circuit, on behalf of inmate client working as an electrician who received severe electrical shock due to equipment precautions not taken.
- Represented hospice in appeal of a Medicare audit that resulted in an extrapolated overpayment of more than $12 million. Advocated for the hospice through the appeal process including a hearing before an administrative law judge. The extrapolation was thrown out and the ALJ returned a fully favorable ruling, resulting in a final overpayment amount of $0.00.
- Successfully represented a client against a Medicare reimbursement audit by the OIG, which initially alleged improper payments of over $140 million (later reduced to a $50 million demand). Through a comprehensive appeal process including expert testimony on statistical sampling and hospice care determinations, the Husch Blackwell team achieved a remarkable victory when an administrative law judge overturned nearly all claim denials, reducing the extrapolated overpayment to less than $10.

Recognition

- *The Best Lawyers in America®*
    - Health Care Law, 2024-2027
    - Litigation - Health Care, 2025-2027
    - Health Care Law "Lawyer of the Year," Madison, 2026
- *Chambers USA*, Healthcare, 2025-2026

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Education

- J.D., University of Wisconsin Law School
  - Order of the Coif
- B.A., University of Notre Dame
  - *cum laude*
  - History

Admissions

- Wisconsin
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Supreme Court

Community Leadership

- University of Wisconsin Law School, associate lecturer and guest faculty
- High school mock trial competition, volunteer judge

The Best Lawyers in America®

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