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Health Law Quarterly
Fall 2017

Greetings from Bulkley Richardson's Health Law Practice Group

We are pleased to share this first issue of Bulkley Richardson's Health Law Quarterly newsletter focused on matters of interest to the health care community in Massachusetts. Our group focuses on representing health care providers and related entities on issues ranging from health care legislative and regulatory compliance to fraud and abuse, and from health care transactions to human resources and employment law. We plan to circulate our newsletter quarterly and provide periodic updates and articles on topics of interest and concern to you. We welcome your comments and suggestions. Please feel free to forward a copy to your colleagues and friends.

What You Don't Know About the 60-Day Rule for Overpayments Could Cost You

[Jennifer K. Cannon](#)

The Affordable Care Act created an obligation for health care providers to report and repay overpayments received from Medicare or Medicaid. The rule, known as the "60-Day Rule," requires that all overpayments be reported and repaid, whether receipt of the overpayment was intentional or inadvertent. That is, even if the overpayment was received due to a third party's error and even if the provider was unaware of the error when the claim was submitted, the provider must still report and repay the overpayment. [Click here to read the full article](#)



Deadlines to Avoid Medicare Payment Penalties under MACRA Are Fast Approaching

[Ryan J. Barry](#)

In 2015, Congress enacted a new system for provider reimbursement under Medicare Part B. That system, called the Medicare Access and CHIP Reauthorization Act, or "MACRA," goes into effect soon, and Medicare providers who have not already prepared for the switch to MACRA must do so quickly in order to avoid significant penalties. [Click here to read the full article](#)



The Federal Drug and Alcohol Confidentiality Regulations Have Finally Been Modernized

[Mary J. Kennedy](#)

In March 2017, the regulations for the federal drug and alcohol confidentiality law (42 U.S.C. 290dd-2), which protects the confidentiality of patient records containing the identity, diagnosis, prognosis, or treatment of any patient maintained in connection with the performance of any federally assisted alcohol and drug abuse programs (known as a Part 2 Program), received a long overdue update. This article provides an overview of major changes in the regulations. [Click here to read the full article](#)

Is That Allowed? Practical Guidance on the Scope of Practice for Medical Assistants in Massachusetts

[Ryan J. Barry](#)

Medical assistants work in a variety of settings in Massachusetts, including hospitals, primary care practices, specialty practices, and nursing homes. In addition to administrative tasks such as scheduling patient appointments, handling insurance matters, and managing patient records, medical assistants commonly perform a variety of clinical tasks delegated to them by physicians. But which tasks are medical assistants allowed to perform in Massachusetts? [Click here to read the full article](#)



Will Recent Efforts to Legalize Medical Aid in Dying in Massachusetts Succeed?

[Jodi K. Miller](#)

Medical aid in dying authorizes physicians to write prescriptions for lethal medication which their mentally competent, terminally ill adult patients may choose to take. The practice is currently permitted in six states as well as the District of Columbia, but not in Massachusetts. Advocates in Massachusetts have renewed their efforts - on both the legislative and litigation fronts - to legalize medical aid in dying in the Commonwealth. Here is the latest. [Click here to read the full article](#)



Bulkley Richardson's Health Law Practice Group:

Peter H. Barry	413-272-6316	pbarry@bulkley.com
Ryan J. Barry	413-272-6264	rbarry@bulkley.com
Kathleen Leitao Bernardo	413-272-6295	kbernardo@bulkley.com
Michael H. Burke	413-272-6231	mburke@bulkley.com
Jennifer K. Cannon	413-272-6278	jcannon@bulkley.com
Mark D. Cress	413-272-6255	mccress@bulkley.com
Francis D. Dibble, Jr.	413-272-6246	fdibble@bulkley.com
Jenelle C. Dodds	413-272-6226	jdodds@bulkley.com
James C. Duda	413-272-6284	jduda@bulkley.com
Mary J. Kennedy	413-272-6242	mkennedy@bulkley.com
Andrew Levchuk	413-272-6285	alevchuk@bulkley.com
Jodi K. Miller	413-272-6249	jmiller@bulkley.com
Christopher J. Visser	413-272-6238	cvisser@bulkley.com

For more information please contact:

Jodi K. Miller , Health Law Practice Group Coordinator	413-272-6249	jmiller@bulkley.com
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BULKLEY, RICHARDSON AND GELINAS, LLP

Springfield
413-781-2820

Amherst
413-256-0002

www.bulkley.com

Bulkley, Richardson and Gelinas, LLP, 1500 Main St, Suite 2700,
P.O. Box 15507, Springfield, MA 01115-5507

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