

# Rachel Hold-Weiss

PARTNER

Rachel is a Partner in the New York office where she focuses on health care regulatory, transactional, and litigation matters.



## Industries

Health Care  
Life Sciences  
Long Term Care & Senior Living

## Practices

Coronavirus (COVID-19) Task Force

## Education

Fordham University School of Law JD  
Touro College BS, cum laude

## Offices

New York

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After working as an associate and partner at Arent Fox, Rachel went in-house as counsel to a home care company with operations in 11 states. Rachel re-joined Arent Fox in 2017 and continues to represent various health care clients with a focus on the representation of post-acute care providers.

## Client Work

Rachel represents a variety of both nonprofit and for-profit health care providers, including hospices and palliative care programs, home health agencies, skilled nursing facilities, assisted living facilities, physicians and physician practices.

She focuses on advising clients undergoing federal and state audits and investigations, including audits and investigations conducted by the Office of Inspector General (OIG), the New York State Office of Medicaid Inspector General (OMIG), and the Centers for Medicare and Medicaid Services (CMS) Medicare Administrative Contractors (MACs). Rachel defends individual and institutional providers in fraud and abuse matters including claims of anti-kickback, self-referral, false claims, corporate practice of medicine, and fee splitting violations.

Rachel also assists clients with operational and transactional matters relating to certificate of need, facility licensure and professional licensing Medicare and Medicaid survey and reimbursement issues, and health care privacy and security matters. Rachel also assists clients with the development and implementation of compliance programs, and conducting compliance audits. Rachel has represented national senior care companies, home health companies and hospices in complex corporate restructurings, sales and acquisitions.

## Professional Activities

Rachel is a current member of the Board of Trustees of the Hospice and Palliative Care Association of New York State (HPCANYS) and a past member of the regulatory committee of the National Hospice and Palliative Care Organization (NHPCO).

Rachel is also an active member of HPCANYS, NHPCO, the National Association for Homecare & Hospice, the Home Care Association of New York State and the American Health Law Association.

## Publications, Presentations & Recognitions

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Rachel was rated as one of the top up and coming health care attorneys in New York by *Chambers USA* and has also been rated by *Legal 500 US* as a national leader in the health care field.

Rachel is a frequent presenter at both national and regional conferences. Rachel's past speaking engagements include:

- National Association for Home Care & Hospice (NAHC) 2020 Financial Management Conference, "Hospice Compliance Risks," Online, July 28, 2020
- American Health Law Association Presentation, "Hindsight is 2020: A Look at Home Health and Hospice in the New Decade," with Kathleen Hessler RN, JD, CHC, CHPC, Online, July 1, 2020
- Weatherbee Resources, Hospice Compliance Network Webinar Series' Quarterly Podcast, "Hospice Contracts," Online, June 23, 2020
- National Hospice and Palliative Care Organization and Hospice & Palliative Care Association of New York State, Hospice Compliance Conference, "Conducting an Internal Investigation," "Understanding and Applying Hospice Fraud and Abuse Laws," "When Do I Need a Lawyer," "I Just Got a UPIC Audit... What Do I Do?," Albany, New York, December 12, 2019
- American Health Lawyers Association (AHLA) Annual Meeting 2019, "Compliance Advice for the Post-Acute Provider: Assess, Audit, and Do It Again," Boston, Massachusetts, June 24, 2019
- National Hospice and Palliative Care Organization Leadership & Advisory Conference, "Ethical Marketing Practices," April 15, 2019
- HPCANYS' 39th Annual Interdisciplinary Seminar and Meeting, "Are You Ready for the Next Wave of Audits?," Albany, New York, April 3, 2019
- HCA's and HPCANYS' Corporate Compliance Symposium, "What Home Care, Hospice Need to Know about NGS Audits," Albany, New York, October 17, 2018
- National Hospice and Palliative Care Organization Webinar, "Ethical Marketing Practices," May 22, 2018
- Home Care Association of New York State Annual Compliance Conference, "Establishing and Maintaining an Effective Compliance Program," New York, New York, March 23, 2017
- Home Care Association of New York State Compliance Workshop, "Retooling Your Compliance Program," New York, New York, February 23, 2016
- Home Care Association of New York State Home Care Survival Bootcamp, "Establishing Effective Compliance Manuals," New York, New York, May 13, 2015
- National Association for Home Care and Hospice - Annual Meeting & Exposition, "I'm on a Board. What are my Legal and Ethical Responsibilities?," National Harbor, Maryland, October 31, 2013
- Home Care Association of New York State Corporate Compliance Symposium, "Hot Topics in Medicare RAC, ZPIC and MIC Appeals," with Connie A. Raffa, Albany, New York, October 2, 2013
- Fraud and Compliance Forum, "Fraud and Abuse Developments in Home Health," with William A. Dombi, Baltimore, Maryland, September 30, 2013

Rachel's publications include:

- "CMS Is Making It Easier for Rural Health Clinics and Federally Qualified Health Centers to Provide Services and Receive Payments," *Health Care Counsel Blog*, April 21, 2020

- “All Hands On Deck: CMS Issues New Blanket Waivers Relaxing Federal Licensing Requirements and Qualifications for Certain Health Care Practitioners,” *Health Care Counsel Blog*, April 17, 2020
- “CMS Announces Prioritization of Survey Activities & Expected Self-Assessments for All Providers and Suppliers,” *Health Care Counsel Blog*, March 26, 2020
  - “New York Updates and Clarifies Policies Regarding Medication Administration for Hospice Patients Residing in Adult Care Facilities,” *Health Care Counsel Blog*, February 13, 2020
  - “OIG Issues Two Reports Identifying Medicare Hospice Beneficiaries at Risk of Harm from Hospice Deficiencies,” *Health Care Counsel Blog*, July 12, 2019
  - “New York Law Imposes Drug ‘Take Back’ Obligations on Manufacturers, Pharmacies, and Wholesalers, with Manufacturers Footing the Bill,” Arent Fox Legal Alert, July 2018
  - “CMS Issues Final Regulations Clarifying the 36-Month Change of Ownership Rule for Home Health Agencies,” Arent Fox Legal Alert, November 2010
  - “New Compliance Program Regulations Proposed by the New York Office of Medicaid Inspector General,” Arent Fox Legal Alert, January 2009
  - “The New Office of The Medicaid Inspector General: What Are They Up To?,” May 2008
  - “Operation Home Alone – Past, Present & Future,” *New York State Bar Association Health Law Journal*, Spring 2008

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## Life Beyond the Law

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In addition to being the mother of four, Rachel is a nationally certified physician assistant licensed to practice in the state of New York. Prior to joining Arent Fox, Rachel worked as a physician assistant in both hospital and outpatient settings.

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### Bar Admissions

New York  
District of Columbia

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### Court Admissions

US District Court, Eastern District of New York  
US District Court, Southern District of New York