



Meg S.L. Pekarske

PARTNER

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OVERVIEW

Devoted to the needs of hospice clients nationwide, Meg offers counsel and innovative strategy on compliance, audits, litigation and growth.

Having practiced hospice law across the country for more than 20 years, Meg and the Husch Blackwell Hospice & Palliative Care Team know this healthcare space and have evolved with it. Meg anticipates industry trends and efficiently clears pathways for clients large and small, whether in a 15-minute call or negotiating a multimillion-dollar Unified Program Integrity Contractor (UPIC) audit. She enjoys strategizing solutions for clients on hospice legal issues including:

- Government audits

"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!"

— David Fielding, President and
CEO, Trustbridge

Industry

Healthcare

Services

Healthcare Litigation

Healthcare Providers

Healthcare Regulatory &
Compliance Counseling

Hospice & Palliative Care

Hospice Medicare & Medicaid
Audits

HUSCH BLACKWELL

- Fraud investigations
- Compliance
- Fraud and abuse
- Litigation
- Palliative care program development
- Inpatient unit structures
- Contracting issues

Meg collaborates with leading groups such as the National Hospice and Palliative Care Organization (NHPCO), fostering education and monitoring developments on behalf of clients. In addition to proactive regulatory work and resolving obstacles, Meg enjoys facilitating client growth and innovative partnership opportunities with health systems and post-acute care providers as well as guiding hospices through mergers and acquisitions. She shares insights on hospice and palliative care, and speaks to industry innovators as host of the podcast “Hospice Insights: The Law and Beyond.” The most rewarding aspect of her practice is knowing that each person she encounters is working toward the same goal: providing compassionate, quality, end-of-life care to patients.

Experience

- Successfully argued for hospice client that Unified Program Integrity Contractor (UPIC)'s \$25 million extrapolated overpayment was invalid. At first level of appeal, hospice was vindicated leaving mere \$70,000 in dispute.
- Negotiated a \$2 million settlement of a \$25 million UPIC audit securing the hospice's future and its service to the community.
- Through advocacy, secured non-intervention decisions by government prosecutors and subsequent case dismissals in numerous qui-tam whistleblower lawsuits across the country.
- Secured elimination of \$4.4 million extrapolated overpayment demand by UPIC. At reconsideration level of appeal, successfully argued that statistical extrapolation was fundamentally flawed and Qualified Independent Contractor (QIC) agreed that methodology was invalid.

Experience

- Secured withdrawal of \$15 million extrapolated overpayment demand by UPIC. Prior to filing first-level redetermination appeal, successfully argued that payment demand must be rescinded due to fundamental flaws in statistical extrapolation. Achieving withdrawal at this early stage allowed client to avoid years of costly litigation and, due to appeal backlog, the threat that multimillion recoupment would begin before case was heard by administrative law judge (ALJ).
- Secured withdrawal of \$12 million extrapolated UPIC audit finding before demand letter was issued. Almost immediately persuaded Medicare Administrative Contractor (MAC) and UPIC that fundamental errors were made in audit documentation review, rendering overpayment determinations and statistical extrapolation inaccurate. The hospice was thus able to avoid costly and time-consuming appeal.
- At first level of appeal, successfully overturned 84% of UPIC claim denials and secured removal of extrapolation, reducing \$7 million repayment to nearly \$96,000.
- Secured removal of extrapolation decision for hospice resulting in reduction of overpayment from approximately \$6 million to approximately \$100,000.
- Successfully defended one of the first federal hospice Medicaid Integrity Contractor (MIC) audits by obtaining withdrawal of nearly entire \$3 million overpayment. Coordinated with local counsel to challenge State's ability to recoup Medicaid nursing home room and board dollars on basis that Medicare hospice services were alleged to have not been medically necessary.
- Received favorable decisions from ALJ on all beneficiary denials appealed in extrapolated sample, reducing overpayment from approximately \$4.6 million to just under \$40,000.
- Successfully defended state Medicaid audit seeking to recover \$6+ million in nursing home room and board pass-thru payments. After initial response, recoupment was reduced to ~\$82,000.

Experience

- 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.

Recognition

- *The Best Lawyers in America*®, Health Care Law, 2010-2024; Madison Health Care Law "Lawyer of the Year," 2022
- JD Supra Readers' Choice Awards, Top Author, Healthcare, 2021 and 2023
- Who's Who in American Law
- Wisconsin Super Lawyers, Rising Star, Healthcare, 2006-2007, 2011-2015
- *Wisconsin Law Journal*, Woman in the Law Award, 2016

Education

- J.D., University of Wisconsin Law School
 - *cum laude*
- B.S., Edgewood College
 - *summa cum laude*

Admissions

- Wisconsin
- U.S. Supreme Court

Community Leadership

- Edgewood College, Alumni Board, Past President
- Shake Rag Alley Center for the Arts, Past Board Member
- Madison Museum of Contemporary Art (MMoCA), Past President of Art Partners



2024 Best Lawyers