




Get Paid for Services! Cost-effective Proven Strategies

Brian Scott Dietrich, Esq. and Taylor Robert Nicholas, Esq. | April 23, 2026 | PACAH



Brian S. Dietrich

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Brian Scott Dietrich joined Saxton & Stump from his prior firm where he was the owner and managing shareholder of the Dietrich Law Firm and has been in private practice for the last 34 years. He is a member of the Saxton & Stump Senior Care and Healthcare Litigation groups.

Brian is an experienced litigator with more than 34 years in healthcare and elder law litigation throughout the Pennsylvania civil courts and the Orphan's Court Divisions. He focuses his practice on the representation of assisted living facilities, hospital facilities, and long-term care nursing facilities. In addition, he represents medical practices in matters of benefits disputes, contracts, employment, Medicaid, insurance, and litigation defense.

Brian serves as an arbitration chairperson appointed in the Delaware County and Montgomery County courts, the Commonwealth of Pennsylvania Bureau of Hearings & Appeals, and has successfully litigated arbitration matters before the American Arbitration Association. Dietrich also serves as a court-appointed legal counsel in matters involving incapacity and Medicaid benefit issues.

Practice Areas

- ▶ Senior Care
- ▶ Healthcare Litigation



Taylor R. Nicholas

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Taylor R. Nicholas is a member of the Saxton & Stump Senior Care and Healthcare Litigation groups and focuses his practice on the representation of post-acute and long-term care facilities to comprehensively address their regulatory and operational needs while mitigating risk and promoting compliance.

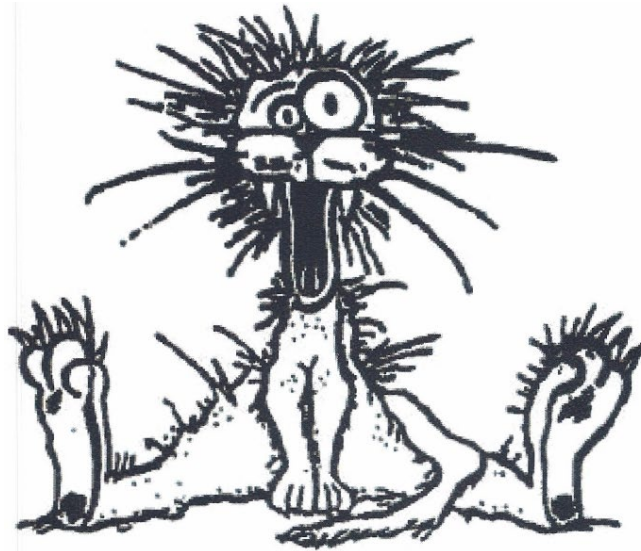
Before entering private practice, Taylor served as Western regional counsel in the Governor's Office of General Counsel, where he represented the Pennsylvania Department of Human Services in several areas involving the Department's operation of the Medical Assistance (Medicaid) Long-term Care Program. In this role, Taylor provided advice to, and litigated on behalf of, the Department's Office of Income Maintenance, Office of Long-Term Living, Bureau of Program Integrity, Office of Developmental Programs, and Bureau of Human Services Licensing.

Practice Areas

- ▶ Senior Care
- ▶ Healthcare Litigation

- ▶ How do you use legal counsel?
- ▶ Do you ask for advice and counsel?
- ▶ Is your attorney part of your team of professionals?
- ▶ Proactive vs reactive?





"STRESS"

**THE CONFUSION CREATED WHEN
ONE'S MIND OVERRIDES THE
BODY'S BASIC DESIRE TO CHOKE
THE LIVING DAYLIGHTS OUT OF
SOMEBODY WHO DESPERATELY
NEEDS IT !**

Primary Payor Sources

- ▶ Private Pay
- ▶ Resident Income
- ▶ Medicaid (MA)
- ▶ Estate Collection
- ▶ Civil Collection



Unprecedented Challenges

- ▶ Staffing Shortages / High Turnover
- ▶ Increased Costs Across the Board
- ▶ Inadequate Medical Assistance (MA) Reimbursement Rates
- ▶ Unprecedented Delays in Medical Assistance Determinations
- ▶ Unfavorable Regulatory Changes



DEPARTMENT OF PUBLIC ASSISTANCE



"I've been getting regular welfare checks for the past sixteen years, and now, all of a sudden, you say I'm *ineligible*?"



Red Flag Warnings



- ❖ Absentee family
- ❖ Family fails to sign admission papers
- ❖ Family fails to cooperate
- ❖ Family misses appointments/ deadlines
- ❖ Missing patient income (two (2) month alarm)
- ❖ Family claims to be Power-of-Attorney (but provides no proof)
- ❖ Family fails to provide verification documents
- ❖ Family is hostile
- ❖ Facility is suspicious bad act(s) may be occurring

Update: Pursing “Responsible Person(s)”

April 28, 2025 CMS State Surveyor Guidance Update (page 185)

- ▶ Effectively eliminates Facility ability to pursue Responsible Person(s) for financial damages
- ▶ Any current language in Admit Agreements providing this option may violate CMS rules under this new rule
- ▶ Greatly Increases need for Proactive Advocacy



Proactive Advocacy through Guardianship



- ▶ Early intervention is key!
- ▶ Independent Advocate for the Resident
- ▶ Resolve nearly any issue
- ▶ Cost Effective
- ▶ Fast Results
- ▶ Possible reimbursement of legal fees



Proactive Advocacy through Legal Intervention in MA Appeals

- ▶ Get ahead of issues early
- ▶ Reduce stress and staff burnout
- ▶ Identify and overcome case defects
- ▶ Maximize collection opportunity
- ▶ **Resurrect DENIED Applications**

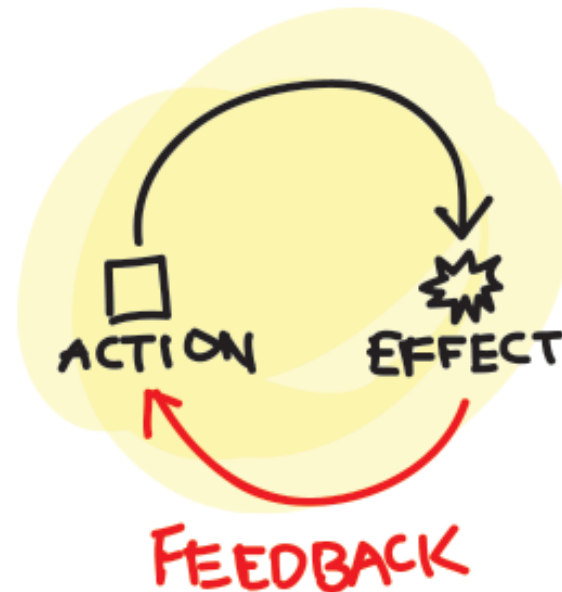
Guardianship and Medicaid Interplay

Guardianship Impact on Medicaid

- ▶ Secure additional time
- ▶ Resurrect applications
- ▶ Obtain Verification
- ▶ Secure Spend Down
- ▶ Resolve Penalties

Medicaid Impact on Guardianship

- ▶ Supports need for Guardianship
- ▶ Establishes Clear Deadlines for Parties
- ▶ Justifies Facility Intervention
- ▶ Spend-down via Reimbursement of Legal Fees



Case Study – The Bad Son

- ▶ Resident admitted by son/POA Agent
- ▶ No financial information provided
- ▶ Facility failed to meet verification deadline
- ▶ Son misappropriating assets and income
- ▶ Son sold Resident's \$300k home and kept funds
- ▶ Resident unable to qualify for MA
- ▶ Large penalty waiting if she ever does qualify

Case Study – The Bad Son

- ▶ Without Proactive Advocacy the Facility cannot:
- ▶ Identify or obtain financial records
- ▶ Secure monthly income
- ▶ Stop the son's ongoing theft or recover lost funds
- ▶ Resurrect prior MA Application or complete a new application
- ▶ Remove the large transfer penalty
- ▶ Get Paid!

Case Study – The Bad Son

- ▶ Proactive Advocacy Results
- ▶ Son held accountable
- ▶ POA removed and guardian appointed
- ▶ Court orders son to return funds
- ▶ Guardian completes MA Application Process
- ▶ **Original MA Application Resurrected**
- ▶ Penalty removed due to Facility Intervention
- ▶ **Possible reimbursement to Facility for legal costs as a part of spend-down**



Serving Facilities throughout the Commonwealth



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Office Locations



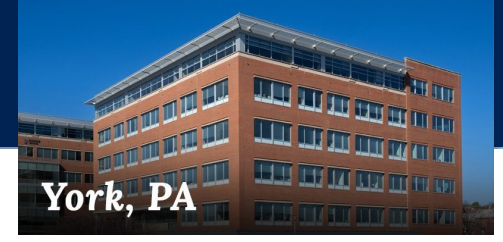
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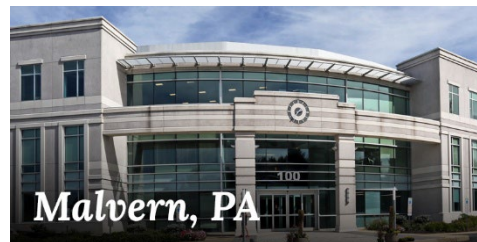
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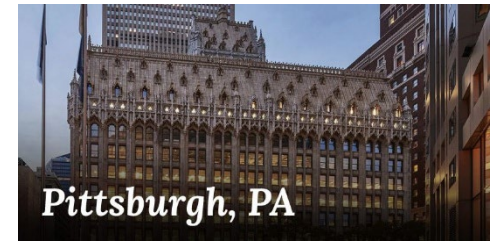
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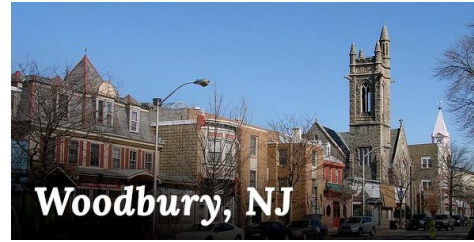
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**We would be honored
to partner further
with you!**



Thank you!

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