



## Noreen Vergara

### PARTNER

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### OVERVIEW

**An experienced healthcare regulatory attorney, Noreen helps clients find creative ways to implement new structures.**

Noreen's focus is supporting healthcare providers and health plans as they ensure appropriate reimbursement. She frequently works with providers who are finding new ways to operate. Many of the clients she supports are in the process of forming new healthcare networks with the aim of filling gaps in existing care. Noreen assists them with compliance and governance structures, as well as with reimbursement strategies with third-party payors. She also represents clients in resolving situations where reimbursement has previously been limited to self-pay patients, and who are now able to access reimbursement from a patient's health plan benefit.

Noreen helps providers transition from self-pay revenue streams to revenue streams paid by insurers, government programs, and other third-party payors. She guides them through the complex regulatory requirements necessary to secure reimbursement, helping them navigate credentialing, contracting, and compliance obligations while maximizing their ability to serve patients with insurance coverage.

Noreen often finds herself working with clients who are looking to establish a new payment structure or implement a creative, unique health plan. She particularly enjoys supporting organizations that are seeking new and better ways to operate and is experienced in building the governance and regulatory infrastructure that optimizes payment for services through clear contracts, defined value-based payment arrangements, and measurable service level agreements. She routinely assists hospital systems, outpatient

### Industry

Healthcare

### Services

Data Privacy & Cybersecurity

Healthcare Operations

Healthcare Regulatory & Compliance Counseling

Medical Staff & Governance

No Surprises Act

Psychedelics & Emerging Therapies

facilities, ancillary providers, health plans, third party administrators, and provider networks to create new and compliant alternatives to the traditional fee-for-service reimbursement model.

For example, Noreen has built a niche practice assisting associations with forming and operating association health plans, including both Affordable Care Act (ACA) compliant plans as well as alternative products exempt from the ACA. Organizations that benefit from her guidance include healthcare sharing ministries, nonprofit agricultural membership organizations (NAMOs), provider-owned health plans, and providers that are paid on a capitated basis.

Noreen has the depth of experience to understand the intricacies of how the ACA interacts with state health insurance laws and how both state and federal insurance laws interact with her clients' unique needs. Her services often include extensive client education and strategic guidance in these areas. Clients often know the outlines of what they want but may not be fully aware of all the details and requirements that apply to that product. Noreen is adept at offering Board and C-Suite legal guidance and frequently works with both administrative and clinical leadership to ensure everyone understands exactly how the product or agreement will function.

Major areas of focus for Noreen include Medicare Advantage, Medicare Supplement, managed Medicaid, and traditional commercial health insurance, as well as downstream third-party administrators and health plan service vendors. She has regulatory experience across the full spectrum of health plan products, ranging from medical loss ratio issues and licensing requirements to state-specific mandates and utilization review and market conduct issues. Noreen's work on insurer and risk-based entity acquisitions, sales, and mergers ensures that transactions comply with relevant state insurance department requirements and relevant CMS guidance.

Working with state-specific regulations comes naturally to Noreen, who began her legal career as an attorney with the National Association of Insurance Commissioners (NAIC). Her role there included legal review of the publications of the NAIC's committees, as well as integrating each model law into the overall NAIC system, giving her an in-depth understanding of each policy. Noreen has extensive experience interfacing with state insurance departments and has a wide, far-reaching network among state insurance commissioners and department officials. She has worked on third-party payor matters in all fifty states and all U.S. territories and has helped clients expand into new states and products.

While she regularly serves provider clients across the healthcare specialty spectrum, Noreen also advises behavioral health providers, including those with a focus on substance use disorder treatment, and Certified Community Behavioral Health Clinics (CCBHC). Her work with mental health and SUD providers goes back to before law school where she served in a variety of roles at a local inpatient behavioral health facility.

Currently, Noreen focuses on helping community mental health centers achieve CCBHC status, structure Designated Collaborating Organization (DCO) vendor relationships and comply with federal and state CCBHC-related grants. Behavioral health clients are a major focus in her work in privacy and cybersecurity law within the healthcare space. As a leader of the firm's healthcare privacy and security team, Noreen develops and audits compliance programs for both payors and providers, and she advises clients on the legal implications of data and health information

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exchange participation. She is particularly knowledgeable on the SUD confidentiality rules for federally assisted programs in 42 CFR Part 2 and “more stringent” state-level information disclosure laws that apply to behavioral health PHI.

The Mental Health Parity and Addiction Equity Act (MHPAEA) connects behavioral health, the ACA, and managed care. Noreen advises clients on MHPAEA policy and mental health parity compliance. MHPAEA’s complex regulations require extensive data and reporting, often impacting contracts, recordkeeping, and organizational policies. She has worked with MHPAEA since before the 2013 Final Rule and regularly speaks across the country on MHPAEA.

Prior to joining Husch Blackwell, Noreen was the General Counsel and Interim CEO for a national managed behavioral health organization that administered commercial, military, and governmental healthcare benefits. Based on her extensive background, she intuitively understands the operational needs and concerns of healthcare leaders and is well-versed in the strategic thinking these organizations require.

Noreen draws on her extensive regulatory experience from the NAIC and the operational insights she gained during her time as a managed care organization executive to provide clients with practical and strategic counsel. This combination of regulatory depth and real-world business experience allows her to help clients navigate and succeed in one of the country’s most difficult and heavily regulated environments. She understands not only what the regulations require, but how to implement compliance in ways that support rather than hinder business objectives, positioning her clients for sustainable success in a rapidly evolving healthcare landscape.

## Experience

### INSURANCE AND MANAGED CARE

- Advises insurers and health maintenance organizations (HMOs) on entering into new managed care markets including Medicare Advantage, Medicaid, health insurance exchange plans and commercial products.
- Advises managed care organizations and provider risk-bearing organizations on matters involving utilization review, claims processing and vendor management.
- Led due diligence in a \$80M managed care acquisition and oversaw subsequent integration activities including the re-contracting of over 8000 health providers across the country.
- Advised various state departments of insurance on Affordable Care Act health insurance exchange development

## Experience

- Represented Mississippi Farm Bureau Federation in establishing state nonprofit agricultural membership organization (NAMO).

### HEALTHCARE REIMBURSEMENT

- Represents various managed care entities and providers who engage in value-based contracting, capitation and other risk-based payment options in complying with federal and state regulations.
- Developed and implemented clinical joint ventures among insurers and other payors, hospital systems, freestanding emergency centers, community mental health centers, physician practices, substance use disorder treatment facilities and peer support organizations.
- Develop and implement reimbursement arrangements for providers involved in accountable care organizations (ACOs), shared-savings payment structures, care coordination programs and social determinants of health programs.
- Advise behavioral health treatment providers, medication assisted treatment (MAT) programs, psychedelics assisted therapy providers and peer support organizations on regulatory and compliance issues including telehealth requirements, corporate practice, fee splitting and referrals, and privacy and security.

### PROVIDER AND PAYOR ALIGNMENT AND INTEGRATION

- Advises provider networks and management services organizations on developing contracting plans involving thousands of practitioners of varying licensures.
- Successfully resolved a multi-contract claims payment dispute between a large multispecialty provider group and a national payor system resulting in a \$4 million underpayment recovery for the client.
- Advises behavioral health providers and facilities on the development of new facilities and programs financed through multiple channels including private equity investment, federal and state grants, and Medicaid expansion funding.

## Experience

### PRIVACY AND DATA SECURITY

- Advises clients on responding to health information privacy security incidents involving millions of patients' electronic medical records across multiple states. Advises clients on appropriate responses and best practices to protect patient data.
- Advises clients on developing compliant solutions to secure and appropriately share behavioral health treatment information.
- Served as HIPAA Privacy Officer at national managed behavioral health venture for millions of health plan members requiring ongoing development and delivery of compliance training, including federal and state requirements for mental health and substance use medical records.

### COMPLIANCE COUNSELING

- Advises behavioral health providers and facilities, telehealth organizations, and physician practices on general corporate, employment and regulatory matters.
- Advises insurers and other payors on compliance with commercial, Medicare Advantage and Medicaid managed care regulations.
- Counsels clients through reimbursement and overpayment audits and assists clients with claims reimbursement issues.
- Created and operated multistate managed care organization's mental health parity compliance program.
- Advised on issues including Affordable Care Act (ACA) implementation, Medicare Supplement requirements, coordination of benefit requirements, third-party administrator guidelines, medical-loss ratio requirements, limited medical benefit plans and health insurance exchange development.

## Education

- J.D., Saint Louis University School of Law
  - Certificate of Health Law
  - *Saint Louis University Journal of Health Law*, Lead Articles Editor and Staff Editor
- B.A., Rockhurst University
  - Psychology
  - *cum laude*
  - Psi Chi Rockhurst Chapter, President

## Admissions

- Missouri
- Kansas
- Florida

## Community Leadership

- Madam President Camp, Board Member

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\*Contact Noreen to set up an in-person consultation by appointment in the Kansas City office.



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