

# HALL BOOTH SMITH, P.C.



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Partner

404.586.6620

[BIOGRAPHY](#) | [EXPERIENCE](#) | [CREDENTIALS](#) | [MEMBERSHIPS](#) | [RECOGNITION](#) | [PRESENTATIONS](#) | [PUBLICATIONS](#) | [IN THE PRESS](#)

## Biography

Brittany H. Cone, CHC, is a Partner in the firm's Atlanta office. She focuses her practice on a wide range of regulatory, administrative, and litigation matters in health care.

Certified in Health Care Compliance by the Health Care Compliance Association, Brittany works with providers on the full spectrum of issues they face including Medicare, Medicaid, regulatory compliance, administrative hearings, and appeals.

Brittany received a Juris Doctor from Georgia State University, where she was a member of the Law Review and served as associate symposium editor and associate editor for student notes. She also served as an extern for the Honorable A. Harris Adams of the Georgia Court of Appeals. Brittany completed a Bachelor of Arts in Psychology with a minor in Spanish at Berry College, and she studied at the Center for Cross Cultural Studies in Seville, Spain.

## Services

[Aging Services](#)

[Health Care](#)

[Medical Malpractice](#)

## Strategic Teams

[Outside General Counsel](#)

## Experience

Brittany is experienced in the day-to-day operations issues faced by providers, ranging from Medicare and Medicaid matters, issues involving third-party payors, corporate and regulatory compliance matters, administrative hearings, and appeals. As denials and under-reimbursement become more prevalent from payors including Medicare Advantage Organizations and private insurance companies, Brittany often works with medical providers seeking reimbursement for or defending against the denial of claims submitted to various payers.

### Aging Services

Brittany has worked with hospitals, skilled nursing facilities, personal care homes, assisted living facilities, home health and physician practices, especially focusing on regulatory and operational issues.

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### Health Care

Brittany has advised health care providers on compliance with Federal, State, and local laws and regulations. She has counseled clients in managing the regulatory aspects of health care transactions, especially change of ownership licensing and operation issues and Medicare and Medicaid reimbursement issues. Additionally, she assists clients with complying with the Patient Care and Affordable Care Act, including the development of an effective compliance program.

Brittany has also assisted clients with self reporting requirements, internal investigations, including those in response to OIG investigations, the False Claims Act, Stark, and Anti- Kickback. Brittany has spent a significant portion of her practice assisting providers with the Health Insurance Portability and Accountability Act (HIPAA), including developing HIPAA policies and procedures and breach response.

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Medical Malpractice  
Brittany has assisted professionals in malpractice actions in all phases of litigation.

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## Credentials

### Admitted

State Courts:

- Georgia, 2008
  - Court of Appeals, Supreme Court

U.S. District Courts:

- U.S. District Court for the Northern District of Georgia

### Education

- J.D., Georgia State University
- B.A., *cum laude*, Berry College

### Memberships

- American Health Lawyers Association (AHLA)
- DRI
- Health Care Compliance Association (HCCA)
- Second Wind Dreams, Board Member

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## Recognition

- [\*The Best Lawyers in America\*](#)®, Health Care Law, Best Lawyers®, 2022-2024

## Presentations

- **Long-Term Care Issues**  
State Bar of Georgia, Fundamentals of Health Care Law CLE;  
February 15, 2024
- **Pressing Forward - The State of Medicaid Eligibility and Reimbursement**  
Georgia Health Care Association, Winter Convention & Expo;  
January 18, 2024
- **Involuntary Discharges & Residents' Rights**  
Georgia Health Care Association, Winter Convention & Expo;  
January 16, 2024
- **The New Frontier: Exploring Florida Medicaid**  
FHCA Annual Conference and Trade Show; July 27, 2023

More +

- **Medicaid Eligibility and Reimbursement**  
2023 GHCA Summer Convention; June 6, 2023
- **The 'Emergency' is Over: Now What? Legal Updates Associated with Medicare, including the End of the COVID-19 Public Health Emergency**  
National Association of Benefits and Insurance Professionals-  
Georgia, Medicare Summit, March 2023
- **Healthcare Transactions - A Panel Discussion with Hall Booth Smith**  
[Georgia Health Care Association](#), Winter Convention & Expo,  
February, 2023
- **Top Three Issues Faced by Long Term Care Providers in 2022**  
State Bar of Georgia's Fundamentals of Healthcare Law,  
February 2022
- **Are We Out of the Woods Yet? Legal Updates Associated with Medicare in Light of COVID-19's Ever**

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## **Changing Effects on Payment**

Georgia Association of Health Underwriters, Medicare Summit, September 2021

- **Keeping the Beat of Medicaid's Drum: How to Keep Up with the Ever-Changing Climate of Medicaid Eligibility and Payment**  
Florida Health Care Association's Annual Conference and Trade Show, July 2021
- **The Intersection of Regulatory and Personal Injury Considerations- Practical Considerations and the Focused Infection Control Survey**  
American Health Law Association's Virtual Long Term Care and the Law Conference, March 2021
- **The Top Three Healthcare Issues For Various Sub-Specialists**  
State Bar of Georgia's Fundamentals of Healthcare Law, February 2019
- **Expectation Management: Connecting and Communicating with Residents and Families**  
Georgia Health Care Association, Bi-annual Convention, June 2018
- **Rising to the Top: It's the Little Things - Controlling the Narrative: Crisis Communication and Expectation Management**  
Georgia Health Care Association, Bi-annual Convention, January 2018
- **Establishing a Firm Foundation: What Recent Trends Tell Us About Getting Back to Basics**  
Georgia Health Care Association, Bi-annual Convention, June 2017
- **Collaboration with Post-Acute Providers: Reducing Re-admissions and Decreasing Financial, Regulatory, and Liability Risks**  
Seminar in the South, August 2016
- **Disclosures: How Much is Too Much**  
Georgia Health Care Association, Bi-annual Convention, June 2016
- **Surrogate Decision Makers, Privacy and Current Trends**  
Georgia Health Care Association, Bi-annual Convention, January 2016

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- **Preparing for and Navigating the IDR and IIDR Process**

Georgia Health Care Association, March 2015.

- **Making a Molehill out of a Mountain**

Legal update on SNF 5 Star Rating System and the IMPACT Act, Georgia Health Care Association, Bi-annual Convention, January 2015

- **Update on OIG focus on culture of compliance, creating effective communication systems**

Georgia Health Care Association, Bi-annual Convention, January 2014

- **Managing the Unmanageable: How effective expectation management can be used in all levels of operations**

Georgia Health Care Association, Bi-annual convention, June 2013

## Publications

- **[CMS Finalizes Rule Increasing Minimum Staffing Standards in Nursing Homes](#)**

HBS Health Care Highlights Blog; April 26, 2024

- **[New Rule Requires Increased Transparency in Nursing Home Ownership](#)**

HBS Health Care Highlights Blog; December 13, 2023

- **[Recent OIG Report Could Result in a Revamp & Refocus of Georgia's Nursing facility Survey Process](#)**

HBS Health Care Highlights Blog; September 19, 2023

- **[Medicaid Unwinding: 4 Steps Nursing Facilities Should Take as the Public Health Emergency Ends](#)**

HBS Health Care Highlights Blog; April 14, 2023

More +

- **[Biden-Harris Administration's Plans to Crack Down on Nursing Homes Indicate Upcoming Uptick in Survey Activity](#)**

HBS Health Care Highlights Blog; March 9, 2022

- **[Texas Court Vacates Provisions of the No Surprises Act Interim Final Rule](#)**

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- HBS Health Care Highlights Blog; March 2, 2022
- **[New Georgia Law Imposes Extensive New Requirements for Georgia Long-Term Care Facilities](#)**  
HBS Health Care Highlights Blog; May 7, 2021
  - **[Annals of Long-Term Care: Brittany Cone & Jordan Johnson Discuss Common Nursing Facility Medicaid Issues, Possible Solutions](#)**  
Annals of Long-Term Care; April 29, 2021
  - **[Georgia Department of Public Health Updates its Administrative Order to Permit Additional Visitation in Long-Term Care Facilities](#)**  
HBS Health Care Highlights Blog; March 23, 2021
  - **[Georgia Governor Kemp Clarifies Quarantine Requirements for “Fully Vaccinated” Long-Term Care Facility Staff and Residents](#)**  
HBS Health Care Highlights Blog; March 3, 2021
  - **[Major EHR Vendor Settles False Claims Act Allegations](#)**  
HBS Health Care Highlights Blog; February 5, 2021
  - **[Updates to Georgia’s Nursing Home Medicaid Financial Limits and Medicare Increases](#)**  
HBS Health Care Highlights Blog; December 21, 2020
  - **[HHS Proposes Major Changes to HIPAA's Privacy Rule](#)**  
HBS Health Care Highlights Blog; December 16, 2020
  - **[Texas District Court Rules That Providers Must Exhaust Patient’s Administrative Remedies to Preserve ERISA Standing](#)**  
HBS Health Care Highlights Blog; November 18, 2020
  - **[Major Health Insurer Forced to Amend Claim Processing Guidelines Due to Violation of Fiduciary Duties Under ERISA](#)**  
HBS Health Care Highlights Blog; November 11, 2020
  - **[Revisions to Georgia’s Medicaid Application Process for Providers during the Public Health Emergency](#)**  
HBS Health Care Highlights Blog; October 9, 2020
  - **[The Georgia Department of Community Health Extends Deadline for Fingerprint Background Checks for Existing Staff](#)**  
HBS Health Care Highlights Blog; October 2, 2020
  - **[Georgia DPH Revises Guidance to Long-Term Care Facilities](#)**

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- HBS Health Care Highlights Blog; September 24, 2020
- **[The Georgia Department of Public Health Issues Reopening Guidance to Long-Term Care Facilities](#)**  
HBS Health Care Highlights Blog; September 17, 2020
- **[Another Arrow in the Quiver or a Regulatory Risk? Analyzing SB 359's Immunities for Georgia Providers in the Fight Against COVID-19 Liability](#)**  
HBS Health Care Highlights Blog; July 17, 2020
- **[Georgia's Senior Care Reform Bill Adds COVID-19 Requirements to New Legislation for Assisted Living Communities](#)**  
HBS Health Care Highlights Blog; July 3, 2020
- **[Vaping Litigation: Another Case of Litigation Before Science?](#)**  
HBS Health Care Highlights Blog; February 16, 2020
- **[Georgia's New Long-Term Care Background Check Program](#)**  
HBS Health Care Highlights Blog; October 22, 2019

## In the Press

### **[CMS Finalizes Rule Increasing Minimum Staffing Standards in Nursing Homes](#)**

April 26, 2024

On April 22, 2024, The Centers for Medicaid and



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Medicare Services released a final rule that implements new minimum nurse staffing requirements in nursing homes...

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## [New Rule Requires Increased Transparency in Nursing Home Ownership](#)

December 13, 2023

On November 15, 2023, the Centers for Medicare and Medicaid Services (CMS) finalized a rule requiring increased transparency in nursing home ownership...

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## [Recent OIG Report Could Result in a Revamp & Refocus of Georgia's](#)

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## **Nursing Facility Survey Process**

September 19, 2023

On September 7, 2023, the U.S. Department of Health and Human Services, Office of Inspector General (OIG) issued a report expressing concerns about life safety, emergency preparedness, and infection control compliance in Georgia nursing facilities...

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## **55 Hall Booth Smith Lawyers Recognized as 2024 Best Lawyers® Award Recipients**

August 21, 2023

We're pleased to announce that 55 lawyers have been included in the 2024 edition of The Best Lawyers in America®.

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## Medicaid Unwinding: 4 Steps Nursing Facilities Should Take as the Public Health Emergency Ends

April 14, 2023

At the onset of the COVID-19 pandemic, Congress passed the Families First Coronavirus Response Act (FFCRA), allowing the federal government to take on a greater share of Medicaid costs and expanding protections for consumers...

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## Hall Booth Smith Attorneys Honored by The Best Lawyers In

## **America 2023**

August 18, 2022

47 lawyers from the firm have been honored in the 2023 edition of The Best Lawyers in America.

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## **Biden-Harris Administration's Plans to Crack Down on Nursing Homes Indicate Upcoming Uptick in Survey Activity**

March 9, 2022

On March 1, 2022, President Joe Biden delivered his first State of the Union address—announcing plans “to set higher standards for nursing homes” and to “crack down on the ‘Wall Street firms’” allegedly taking over nursing homes...

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## Texas Court Vacates Provisions of the No Surprises Act Interim Final Rule

March 2, 2022

On February 23, 2022, United States District Judge Jeremy D. Kernodle of the United States District Court for the Eastern District of Texas, Tyler Division, entered his Memorandum Opinion and Order in Texas Medical Association and Adam Corley v. United States Department of Health and Human Services, et al...

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## Hall Booth Smith Attorneys Honored by The Best Lawyers In America®

## **2022**

August 19, 2021

We're excited to announce that 25 HBS lawyers have been recognized in the 2022 edition of The Best Lawyers in America®.

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## **New Georgia Law Imposes Extensive New Requirements for Georgia Long-Term Care Facilities**

May 7, 2021

On June 30, 2020, House Bill 987 was signed into law addressing many of the concerns presented by Atlanta Journal Constitution's "Unprotected" investigative series regarding Georgia's Long Term Care industry...

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## **Annals of Long-Term**

## Care: Brittany Cone & Jordan Johnson Discuss Common Nursing Facility Medicaid Issues, Possible Solutions

April 29, 2021

In an article published in Annals of Long-Term Care on April 29, 2021, Partner Brittany Cone and Associate Jordan Johnson discuss common Medicaid issues and possible solutions for nursing facilities.

[Read Full Article](#)

## Georgia Department of Public Health Updates its Administrative

## **Order to Permit Additional Visitation in Long-Term Care Facilities**

March 23, 2021

The Georgia Department of Public Health updated its original Administrative Order providing reopening guidance to long-term care facilities to allow additional visitation....

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## **Georgia Governor Kemp Clarifies Quarantine Requirements for “Fully Vaccinated” Long-Term Care Facility Staff and Residents**

March 3, 2021



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Georgia Governor Brian Kemp has extended the state Public Health State of Emergency (Executive Order 02.26.21.01) due to COVID-19 through April 6, 2021...

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## Major EHR Vendor Settles False Claims Act Allegations

February 5, 2021

Health IT company Athenahealth, a major developer and vendor of electronic health record (EHR) services, agreed to pay over \$18 million to settle federal False Claims Act allegations related to purported kickbacks from 2014 to 2020...

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## Updates to Georgia's Nursing Home Medicaid

## **Financial Limits and Medicare Increases**

December 21, 2020

As 2021 quickly approaches, the updated financial limitations for Nursing Home Medicaid and increases to Medicare costs have been released. While the new limits have been released, the Public Health Emergency (“PHE”) remains in effect until January 20, 2021...

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## **HHS proposes major changes to HIPAA’s Privacy Rule**

December 16, 2020

The U.S. Department of Health and Human Services (HHS) recently published proposed modifications to the HIPAA privacy rule, which, if finalized, would significantly impact Covered Entities’ responses to records requests.

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## **Texas District Court Rules That Providers Must Exhaust Patient's Administrative Remedies to Preserve ERISA Standing**

November 18, 2020

In *Mission Toxicology, LLC v. UnitedHealthcare Insurance Company*, the Western District of Texas ruled against several lab companies seeking enforcement of the right to payment under ERISA for lab services provided at certain Texas hospitals...

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## **Major Health Insurer Forced to Amend Claim Processing**

## **Guidelines** **Due to** **Violation of** **Fiduciary** **Duties Under** **ERISA**

November 11, 2020

The Northern District of California recently handed down remedies against United Behavioral Health (“UBH”), a subsidiary of UnitedHealth Group, related to violations of its fiduciary duties owed to its insureds...

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## **Revisions to** **Georgia’s** **Medicaid** **Application** **Process for** **Providers** **during the** **Public Health** **Emergency**

October 9, 2020

COVID-19 continues to affect

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applicants for Georgia Medicaid. Based on the PHE declaration in March 2020, DFCS altered its verification process for the Medical Assistance Program...

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## [The Georgia Department of Community Health Extends Deadline for Fingerprint Background Checks for Existing Staff](#)

October 2, 2020

In May 2018, Georgia passed the Georgia Long-term Care Background Check Program, which required fingerprint criminal background checks of applicants for employment and direct access employees...

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## [The Georgia](#)

## Department of Public Health Issues Reopening Guidance to Long-Term Care Facilities

September 17, 2020

On September 15, 2020, Georgia Governor Brian Kemp issued another COVID-19 related Executive Order with significant impact on Long-Term Care Facilities, including nursing facilities and assisted living communities...

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## Another Arrow in the Quiver or a Regulatory Risk? Analyzing SB 359's Immunities for Georgia

## **Providers in the Fight Against COVID-19 Liability**

July 17, 2020

As Georgia continues to reopen, the Georgia General Assembly's recent passage of Senate Bill 359, known as the "Georgia COVID-19 Pandemic Business Safety Act," will provide relief to individuals and entities concerned with possible liability...

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## **Georgia's Senior Care Reform Bill Adds COVID-19 Requirements to New Legislation for Assisted Living**

## Communities

July 3, 2020

On June 30, 2020, Governor Kemp signed House Bill 987, known as the Senior Care Reform Bill, into law. This legislation covers numerous topics related to Assisted Living Communities that go into effect on July 1, 2021, including...

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## Georgia's New Long-Term Care Background Check Program

October 22, 2019

On May 7, 2018, then Governor Nathan Deal signed Georgia's new Long-term Care Background Check Program into law with the purpose of promoting public safety and providing for comprehensive criminal background checks...

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## **HBS** **Announces** **New Attorneys** **to the Firm's** **Partnership**

August 5, 2014

Hall Booth Smith, P.C. (HBS) announces the election of six attorneys as partners, effective August 1, 2014. The new partners operate across a wide range of practice areas including agriculture, health care, long-term care, and general liability.

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