

Long-Term Care and Senior Housing

Experienced legal advisors to long-term care providers

Capabilities at a glance

- **A dedicated team of attorneys providing solutions to the everyday problems facing long-term care and senior housing providers**, including regulatory compliance, resident and staff issues and transactional representation.
- **Experienced in defending health care companies** and individuals before state and federal regulatory agencies.
- **Long-standing sector experience**, having represented long-term care providers for decades.
- **We represent a broad array of provider types**, including Medicare/Medicaid-certified skilled nursing facilities (SNF), home health and hospice providers, assisted and independent living facilities, continuing care retirement communities (CCRC), long-term care and specialty pharmacies, and home infusion providers.

Supporting your vital work through regulatory compliance and proactive representation

Our attorneys help providers navigate regulatory issues such as state licensure and federal certification actions. We work with our clients to ensure fraud and abuse compliance, which often involves responding to audits, subpoenas and search warrants as well as providing necessary self-disclosures to the government. We regularly analyze business models to ensure compliance with the Stark Law, Anti-Kickback Statute, the False Claims Act and related regulatory compliance laws.

Both proactively and reactively, our attorneys assist long-term care providers with a host of issues involving residents and families, including resident discharge, complaints and reporting requirements. We frequently partner with our labor and employment colleagues to address staff training and employee benefits issues. When necessary, our litigators defend SNFs against allegations of negligence. We are adept at confronting crisis situations, conducting incident investigations, preparing and implementing effective responses, and representing our clients' interests in administrative proceedings and in court.

Commitment to the long-term care and senior housing sector, its growth and its future

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In addition to serving as general health care regulatory counsel to our clients, our team plays a key role in helping make business deals happen involving long-term care providers. We routinely represent clients in buying or selling long-term care facilities, including handling all regulatory compliance aspects. When a deal hinges on gaining critical financing, our attorneys perform important regulatory compliance due diligence, write licensing opinion letters, review and negotiate contracts, and help our clients through the entire process. Frequently, our team leverages the experience of attorneys in our real estate, real estate financing and business practices to ensure each transaction goes smoothly from start to finish.

Experience

- **Regulatory compliance counsel**
- **Transactional counsel**
- **State licensure and certification issues**, including navigating changes of ownership (CHOW) and changes of information
- **Medicare and Medicaid conditions** of participation and reimbursement issues
- **Fraud, waste and abuse investigations and analysis** of arrangements for Anti-Kickback Statute and Stark Law compliance
- **Establishment of compliance programs and plans**
- **State privacy and security advice**
- **Physician employment** and independent contractor agreements
- **Litigation, arbitration, mediation**, incident response and crisis management
- **Development, formation, acquisition**, expansion, financing, sales, mergers and joint ventures of long-term care and senior housing providers.
- **Assistance with the survey process and preparation** of plans of correction from both the Centers for Medicare and Medicaid Services (CMS) and state agencies.
- **Facility policies and procedures**, including drafting and reviewing

Successes

- Obtained a state court injunction on behalf of a SNF, mandating a special Medicaid rate designed to reimburse the client for the care of SNF residents diagnosed with severe or profound intellectual disabilities.
- Provided ongoing regulatory counsel to a national assisted living client related to both federal and state guidance throughout the COVID-19 pandemic.
- Helped a national assisted living client navigate CARES Act funding through the initial application, reporting and auditing process.

Service Areas

Business Law

Our philosophy of establishing true partnerships and lasting relationships with clients directs how we do business. We will work with you on every engagement to understand your objectives, provide proactive counsel, create efficiencies, communicate, manage fees in a predictable manner and find ways to add value.





General Corporate and Outside General Counsel Services

Companies rely on Quarles as outside general counsel because we offer the depth of skill and breadth of experience necessary to achieve their business objectives. Whether the issues are complex or straightforward, our lawyers will always deliver the appropriate level of resources to complete the task at hand. Serving as a strategic advisor, we provide efficient, day-to-day counsel across a range of legal disciplines.

Labor & Employment

In today's fast-paced, competitive business environment, human resources serves a crucial role in balancing business and employee needs, while staying compliant with a changing landscape of federal and state laws. The Labor, Employment & Benefits Practice Group at Quarles has been helping companies navigate these laws for over 100 years by addressing human resource issues efficiently and consistently based on each unique workplace culture.

Litigation & Dispute Resolution

While we always seek to help you understand the benefits and costs of litigation, we also have tremendous depth of experience in representing clients in court, both at trial and on appeal. We have handled litigation in every state, understand the local demands and have a national reputation for proactive, aggressive pursuit of our clients' cases in the courtroom.

Mergers and Acquisitions

Our M&A team has substantial experience beyond what is common for most firms of similar size. Our decades-long focus on private equity has allowed us to build a sophisticated understanding of not only transactional legal terms, but also equity and debt structures, management and control rights, executive compensation and equity incentives, and portfolio development. We have extensive private equity experience in both platform transactions and add-on acquisitions and related equity and debt financing. We also have an even longer history of helping family-owned and other private businesses engage in strategic M&A, as well as succession planning and exit transactions.

Real Estate

We pride ourselves on helping you look at the big picture, while we take care of the often-complex regulations and sophisticated technical knowledge required to get real estate transactions and projects completed with a minimum of risk and fuss. Our goal will always be to help you build and protect the present and future value of your business.

