

Skilled Nursing Facilities (SNFs) and Long-Term Care Providers

As skilled nursing facilities (SNFs) or long-term care (LTC) providers face an unprecedented need for their services, they also face an ever-changing regulatory and business environment. Hooper, Lundy & Bookman has counseled and protected these providers for decades, facilitating their stability, growth, and evolution, enhancing patient care, and keeping them ahead of new developments and obligations.

The emergence of managed care, value-based arrangements, and other evolving payment models, the upheaval of the COVID-19 pandemic, and shifting enforcement priorities and policy approaches present constant challenges for SNFs, LTC providers, and others caring for seniors and other vulnerable patients. HLB has been at the forefront of this industry sector, representing individual providers and provider networks and advancing their interests through our active trade association presence and strategic policy advocacy at the state and federal levels.

If there is an issue that will impact post-acute and long-term care providers, our attorneys likely already understand the issue and its implications. We represent some of the top providers in the country, assisting them with the full spectrum of operational, business, and regulatory matters they must address. Whether ensuring appropriate reimbursement from governmental or private payors; managing audits, investigations, and legal actions relating to fraud, abuse, and program integrity; fighting adverse survey, certification, and enforcement actions; or handling major transactions such as mergers, acquisitions, asset sales, joint ventures and financings, our attorneys have the experience and resources to address the changing legal needs of these providers.

Our representation of SNFs and other LTC providers, including Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF-IIDs) and Congregate Living Health Facilities (CLHFs), covers the following:

Payment and Reimbursement Matters

HLB's provider reimbursement practice is nationally renowned. With more attorney years of Medicare and Medicaid reimbursement experience than any other firm in the country, we can provide our SNF and LTC clients with unique insights and problem-solving capabilities unavailable elsewhere. Many of our reimbursement and payment attorneys have substantial government-side experience working on these matters, providing actionable insights, and facilitating productive relationships with the payors and agency regulators whose decisions and actions can have profound implications for our clients.

Regulatory and Compliance

Given the centrality and impact of regulatory and compliance issues in the industry, HLB has made proactive counseling and strategic representation in such matters a centerpiece of our capabilities since the firm was founded in 1987. The resources that HLB brings to health care compliance matters for SNFs and LTC providers are anchored by attorneys whose complementary talents and practices allow us to provide counsel across the full spectrum of regulatory obligations and risks.

Equally important, our attorneys understand how the complexities of the law intersect with the reality of our clients' operations. The compliance programs we help develop are workable, and our guidance is clear and actionable. And with many of our compliance attorneys possessing government-side experience and insights, we can tailor our responsive approaches to minimize compliance concerns.

Investigations and Audits

Governmental audits and investigations can be disruptive, costly, and, if not handled properly, the precursors of enforcement or other adverse actions. We help clients navigate these proceedings and manage investigations from numerous state and federal agencies, including the Department of Justice and the FBI, as well as the Centers for Medicare and Medicaid Services (CMS) and its contracted Medicare Administrative Contractors (MACs), Recovery Auditors (RAs), Unified Program Integrity Contractors (UPICs), Supplemental Medical Review Contractors (SMRCs), the Office of Inspector General (OIG), and their state counterparts. We have also assisted clients with audits and investigations relating to federal and state financial support provided during the COVID-19 pandemic.

Litigation and Disputes

The breadth of HLB's health care industry knowledge and our deep bench of litigators allow us to quickly identify core issues, analyze and apply the relevant law, and develop approaches aligned with our clients' goals in all types of disputes and actions. We advocate on behalf of clients in state and federal courts at the trial and appellate level, in administrative proceedings of all kinds, and in white-collar criminal and civil matters. Our attorneys have defended against numerous class actions and representative lawsuits brought under federal and state laws, including those alleging false claims, unfair business practices, violations of patient and resident rights, and other regulatory requirements.

Transactions

Beyond the risks associated with operating in this challenging area, our attorneys have significant experience assisting skilled nursing facilities and long-term care providers with the transactions that can determine their ongoing success and ability to provide exceptional patient care. We facilitate complex transactions of all kinds, including:

- Purchase and sale of operations
- Mergers, acquisitions, asset sales, and joint ventures and affiliations
- Facility and real estate acquisitions, sales, financing, and leasing
- Private placements
- Syndications
- Health plan contracting

Industry and Policy Advocacy

Our close working relationships with policymakers and regulators and the trade associations with which they interact give our long-term care and skilled nursing clients a powerful voice regarding the policy, regulatory, and administrative issues that affect them. HLB attorneys currently serve in high-level positions in the American Health Care Association (AHCA), the California Association of Health Facilities (CAHF), and the Massachusetts Senior Care Association (MSCA), and we act as general counsel to CAHF and MSCA. Our ability to assist our trade association clients in influencing state and federal policy proposals provides us with the unique ability to both shape the legal landscape for the health care industry and help our clients better understand and respond to these developments.