



Scott J. Kiepen

(he/him/his)

Partner

Co-Chair, Litigation Department

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CAPABILITIES

Administrative Law

False Claims Act

Fraud and Abuse, Stark, Anti-Kickback Counseling and Defense

Government Investigations

Litigation, Mediation, Arbitration

Managed Care

Medicare, Medicaid, Other Governmental Reimbursement and Payment

Assisted Living, Independent Living and Adult Day Health

Home Health

Hospice

Pharmacies

Rehabilitation

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

EDUCATION

Golden Gate University
School of Law, J.D., 1994

San Jose State University,
B.A., 1988

BAR ADMISSIONS

California, 1994

Massachusetts, 2018

Pennsylvania, 1995 (inactive)

“Too often, post-acute care providers face undeserved or misinformed criticism that can obscure, impede, or threaten the critical work they do for patients. Part of my job is to cut through presumptions and prejudices to ensure that regulators, judges, and others focus on the law and the facts so my clients are treated fairly.”

For decades, Scott Kiepen has served long-term care, senior housing, and continuing care retirement providers. In an industry already known for intense regulatory scrutiny, post-acute care providers face a particularly challenging legal, financial, and operational landscape. Scott understands the unique issues and stressors this industry sector faces. Combined with his deep respect for the critical services his clients deliver, Scott's expansive experience in the post-acute care space has made him counsel of choice for providers in California and throughout the country.

Scott's representation spans virtually every aspect of post-acute care provider operations and any legal or regulatory issue they could face. Scott's counsel includes matters concerning Changes of Ownership (CHOWs) and licensing and certification approvals, Medi-Cal and Medicare reimbursement, billing, sales and leases of facilities, survey management, transfer/discharge issues and appeals, abuse reporting and administrative appeals, fraud and abuse, medical staff and pharmacy issues, and other general operational matters.

Recognizing the urgency to his clients when concerns or questions arise, or when they find themselves in the crosshairs of regulators or others, Scott prioritizes responsiveness, quickly yet thoughtfully assessing a problem, and crafting the approach best suited to resolving it. He also works closely with his clients to develop and implement robust compliance programs that can minimize the likelihood of disruptive investigations, enforcement proceedings, or claims.

Equally at home in the courtroom as he is at his clients' facilities or in regulators' offices, Scott is a skilled litigator who leverages his deep understanding of post-acute care's legal and practical nuances to consistently obtain favorable outcomes in both federal and state courts, as well as in administrative hearings against government agencies. He has represented

providers in cases involving violations of the False Claims Act, anti-kickback law, business and contract disputes, medical malpractice and elder abuse cases, transfer trauma cases, Medicare and Medicaid reimbursement disputes, licensing and certification accusations, unfair competition law cases, Consumers Legal Remedies Act cases, and Medicare and Medicaid decertification matters.

Scott has built respectful and constructive relationships with regulators and government attorneys during his decades of practice. While he always stands ready to defend his clients' interests, Scott also recognizes that open dialogue and persuasive reasoning often offer a more attractive, efficient, and cost-effective path toward resolution. As one client cited by Chambers USA expressed, Scott has a "mastery of the regulatory process, and how nursing facilities and providers interface with the California Department of Public Health, the CMS and the federal side. He is very articulate and personable, and skillful in the courtroom." Another client stated, "Scott is at the top of his game."

In addition to serving individual post-acute clients, Scott is an advocate for the entire industry, active in the associations that represent providers, regularly speaking on long-term care issues, and frequently contributing his comments and insights on proposed legislation affecting their interests.

Representative Matters

- *Lauderdale Associates v. Department of Health Services*, 67 Cal. App. 4th 117 (1998)
- *Foundation Aiding Elderly v. Superior Court*, Court of Appeal, First District, Division 4, California. April 1, 2005, A109442 (2005 WL 752739).
- *Life Care Centers of America v. CalOptima*, Court of Appeals, Fourth District, Division 3, California. October 31, 2005, 133 Cal.App.4th 1169 35 Cal.Rptr.3d 387.
- *Alvarado v. Selma Convalescent Hosp.*, Court of Appeal, Second District, Division 3, California. August 1, 2007, 153 Cal.App.4th 1292 64 Cal.Rptr.3d 250.
- *Bates v. Granada Healthcare and Rehabilitation Center, LLC*, Court of Appeal, First District, Division 3, California. September 15, 2008, A120485 (2008 WL 4195954).
- *Bush v. Horizon West*, Court of Appeal, Third District, California. April 9, 2012, 205 Cal.App.4th 924 140 Cal.Rptr.3d 258.
- *Shuts v. Covenant Holdco, LLC*, Court of Appeal, First District, Division 4, California. August 15, 2012, 208 Cal.App.4th 609 145 Cal.Rptr.3d 709.
- *Grancare, LLC v. Horton*, Court of Appeal, Second District, Division 1, California. May 31, 2013, B241363 (2013 WL 2382609).
- *Nevarrez v. San Marino Skilled Nursing and Wellness Centre*, Court of Appeal, Second District, Division 4, California. November 4, 2013, 221 Cal.App.4th 102 163 Cal.Rptr.3d 874.
- *Valley View Health Care, Inc. v. Chapman*, United States District Court, E.D. California. January 16, 2014, 992 F.Supp.2d 1016 2014 WL 197778.

Recognition

- Chambers USA, Top Healthcare Lawyer: California, 2020-2023
- Daily Journal's Top Health Care Lawyers in California, 2021

Professional Affiliations

- American Bar Association
- American Health Lawyers Association
- California Association of Health Facilities
- California Society of Healthcare Attorneys
- Pennsylvania Bar Association

- San Francisco Bar Association
- Advisory Council on Aging to the Contra Costa County Board of Supervisors

News

- Scott Kiepen is Quoted in McKnight's Long-Term Care News Article, "Court orders attorney to pay nursing home legal fees in 'frivolous' False Claims case"
- Hooper, Lundy & Bookman Again Ranked Among Top Health Law Firms In The United States By Chambers USA
- Hooper, Lundy & Bookman Celebrates 35 Years!
- Hooper, Lundy & Bookman Again Achieves Recognition Among the Top Health Law Firms in the United States by Chambers USA
- Daily Journal Names Scott Kiepen and Mark Reagan Among 2021 Top Healthcare Lawyers in California
- Hooper Lundy & Bookman Achieves Recognition Among the Top Health Law Firms in the United States by Chambers USA
- Hooper, Lundy & Bookman Again Achieves Recognition Among the Top Health Law Firms in the United States by Chambers USA
- Hooper, Lundy & Bookman Ranked in the 2020 Edition of US News/Best Lawyers in America Best Law Firms
- Hooper, Lundy & Bookman Named To American Bar Association's Health Law Top 10 List
- Top Patent Litigator Drew Woodmansee Joins Hooper, Lundy & Bookman as Head of IP Practice
- Hooper, Lundy & Bookman Launches Webinar Series with Focused Discussions on Post-Acute Care Partnerships
- Hooper Lundy & Bookman Recognized Among the Top Health Law Firms in the United States by Chambers USA

Insights

- Governor Newsom Signs into Law AB 1502: the Skilled Nursing Facility Ownership and Management Reform Act of 2022; Key Deadline: July 1, 2023
- DMFEA Launches Operation SAFE to Investigate SNFs During COVID-19
- COVID-19 Response: HLB Resource Page, California State of Emergency and Guidance, and CMS Survey Guidance
- DOJ Enhances Pursuit of Grossly Substandard Care at SNFs
- AseraCare Court Confirms that Difference of Reasonable Clinical Opinion Cannot Alone Establish Objective Falsity in False Claims Cases
- Proposed CMS SNF Program Changes Dramatically Alter Current Reimbursement Methodologies

Events

- Scott Kiepen Speaks at the California Association of Health Facilities' Director of Nursing Conference
- CAHF Summer Conference