



## Post-Acute and Long-Term Care

Equipped with extensive regulatory experience and business knowledge, we guide post-acute and long-term care companies through compliance and certification requirements, help them maximize reimbursement for their services, and advise them on business expansions via mergers, acquisitions, and organic growth.

### **Key Benefits of Working With Us**

#### Comprehensive Services

We counsel post-acute and long-term care providers on every aspect of their business, from transactions to licensing and reimbursement, from real estate and tax to health information technology (HIT) and litigation, and everything in between.

Efficient collaborators, we proactively spot and help resolve potential issues across your company and strive to identify opportunities that could generate new sources of revenue. We understand the national and regional markets and key strategies for accomplishing your business goals.

#### Regulatory Know-How

Our team frequently represents post-acute and long-term care providers before national and state regulatory agencies. As a result, we know the agencies' perspectives and use that knowledge to advance your company's goals while complying with regulatory requirements. Our lawyers are also skilled in investigating and solving potential compliance problems.

Whether your objectives are to grow your existing facilities and footprint or to divest and streamline your operations, we can provide informed insights into strategies to accomplish your goals within the confines of applicable government regulations.

We are particularly adept in counseling national, regional, and local clients on Certificate of Public Need (COPN)/Certificate of Need (CON), survey and certification, licensure, and HIPAA matters. We can assist in identifying opportunities for exempt transactions or in navigating sales and acquisitions that require COPN/CON approvals. With approvals in hand, we can help guide your organization through the legal hurdles in project development, reporting, implementation, and initial operations. Our team regularly advises clients on licensure inspections and certification surveys, including guidance on submitting plans of correction, representing providers in appeals, including Informal Dispute Resolution conferences, and responding to complaint investigations.

In the COPN/CON arena, our lawyers assist clients in applying for competitive and non-competitive approvals and in defending and challenging approvals for bed and facility relocations and transactions with experience in Virginia, North Carolina, Florida, and Washington, D.C.

#### Nuanced Understanding of Reimbursement

Navigating payor rules requires deep knowledge and practical experience. Our team includes a former Virginia Deputy Secretary of Health and Human Resources who oversaw Virginia's Medicaid program. We routinely help clients navigate reimbursement issues for their Medicaid-eligible services. Our team advises clients on a wide variety of reimbursement issues, including conducting investigations into potential overpayments, defending against audits, and responding to false claims act and qui tam actions.

We provide counsel on relationships with managed care companies, which are increasingly becoming responsible for Medicaid payments in Virginia and North Carolina, and we represent post-acute and long-term care interests in complex bundled payment arrangements.

One of our attorneys serves on the Virginia Health Care Association's (VHCA's) Quality and Regulatory, Payment for Services, Health Planning, Education and Virginia Center for Assisted Living (VCAL) committees, and regularly speaks at VHCA's events and writes for its publications. His involvement in VHCA enables him to maintain industry relationships and enhances his awareness of emerging trends.

#### Contracts That Protect Your Interests in Business Relationships

Attorneys in our Post-Acute and Long-Term Care Practice call upon decades of combined experience to negotiate and draft provider and vendor agreements that expand your business. Business transitions frequently require attention to a range of contracts governing a variety of operational aspects. We have become so efficient and cost-effective in this area that we are called upon to handle significant contract overflow situations.

#### National Senior Housing Transactions Practice

Members of our nationally known Senior Housing Transactions Team develop innovative and creative transactional structures and solutions that help to enable the successful conclusion of deals. Our attorneys have a significant depth of experience in the acquisition and sale of portfolios of senior health

care properties and have a well-established track record in assisting a variety of clients through the entire transaction cycle of acquisition, restructuring, development, seasoning, and disposition. Our attorneys' experience allows them to navigate regulatory issues associated with transactions, including licensure, certification, and enrollment in Medicare and Medicaid.

## **Clients**

- Skilled Nursing Facilities (SNFs)
- Assisted Living Facilities (ALFs)
- Continuing Care Retirement Communities (CCRCs)
- Independent Living Facilities (ILFs)
- Home Health Agencies (HHAs)
- Personal Care Providers

## **Experience**

- Bundled payments
- Certificate of Public Need (COPN)/Certificate of Need (CON)
- Corporate and facility contracts
- Data protection and cybersecurity
- Electronic Medical Records (EMRs)
- False Claims Act (FCA) advice and defense
- Fraud and Abuse (Anti-Kickback Statute and Civil Money Penalties) and Stark Law
- Government agency insured financing programs (Fannie Mae, Freddie Mac and FHA HUD)
- Health Insurance Portability and Accountability Act of 1996 (HIPAA) advice and audits
- Internal investigations
- Labor and employment
- Licensure
- Litigation
- Managed Care
- Medicare and Medicaid appeals, certification, and enrollment
- Mergers and acquisitions
- Partnerships
- Real estate
- Regulatory
- Reimbursement (Medicare, Medicaid, and private payor contracts)
- Software IT contracts
- Surveys and certification
- Tax

- Telemedicine
- Value Based Purchasing

## Experience

**THE MATTERS LISTED BELOW ARE ILLUSTRATIVE OF THE MATTERS HANDLED BY THE FIRM. MATTER RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. NOT ALL MATTER RESULTS ARE PROVIDED. MATTER RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR RESULT IN ANY FUTURE MATTER UNDERTAKEN BY THE LAWYER.**

- Utilized the Bed Transfer Statute to obtain a COPN to allow a nursing home to add nursing home beds to its facility.
- Utilized the Bed Transfer Statute to add beds to a nursing home by transferring the beds from several nursing homes in multiple planning districts.
- Obtained a COPN to transfer nursing home beds within the same planning district.
- Prepared CON applications for a skilled nursing and assisted living provider for bed relocation projects. Assisted the client with compliance with post-CON reporting obligations.
- Navigated a complex regulatory scheme to achieve new provider status for an existing nursing home resulting in a significantly higher Medicaid reimbursement.
- Represented a skilled nursing facility through the Informal Dispute Resolution Conference resulting in the deletion of deficiency citations and eliminating the need for a civil monetary penalty.
- Provided advice and representation to a long-term care provider in re-negotiating long-term operations leases.

## Related News

- Williams Mullen Welcomes Health Care Attorney Rebecca Ivey
- Williams Mullen Adds Rebecca Ivey and Chip Hancock to Health Care Section
- Elizabeth Scott Profiled in Business North Carolina's 2019 Legal Elite Issue
- Jennifer Ligon Elected Chair of the Virginia Bar Association's Young Lawyers Division
- CMS's COVID-19 Long-Term Care Facility Guidance is an Invaluable Tool for Resident Care and Risk Mitigation
- Jennifer Ligon Named to 2020 Class of 'Up & Coming Lawyers' by Virginia Lawyers Weekly
- Strategies for Senior Care: Crisis and Incident Response for Senior Care Facilities
- Strategies for Senior Care: Agency Investigations of Senior Care Facilities
- Strategies for Senior Care: Is Your Senior Care Facility Ready for Day One (and Two) of a Certification or Complaint Survey?
- Strategies for Senior Care: The Upside of Compliance Plans for Senior Care Facilities

## Related Events

- Virginia Health Care Association - Requirements of Participation Phase 2

## Related Attorneys

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