



## Long-Term Care Facilities Litigation

The aging U.S. population is necessitating a growing number of independent living, assisted living and skilled nursing facilities. These long-term care facilities are fertile ground for personal injury lawsuits and wrongful death litigation. Certainly, facility residents have significant medical needs – unfortunately, they sometimes get injured, deteriorate mentally and physically, and eventually die despite receiving appropriate care from their health care providers. These end-of-life events often provide the “damages” sought by plaintiffs’ attorneys in their quest for large verdicts against long-term care facilities.

### **Reducing Liability and Defending Long-Term Care Facilities**

Our Long-Term Care Litigation Team is experienced in helping assisted living facilities, nursing homes and skilled nursing facilities reduce and manage liability and, as necessary, defend claims of negligent care and treatment. Williams Mullen offers risk management services in the form of ongoing facility evaluations, as well as staff and documentation practices. Additionally, our nursing home lawyers can provide training to help caregivers understand and focus on liability issues.

Should the situation arise where litigation is likely to occur, our skilled attorneys can conduct timely and proper investigation and evidence gathering. If litigation is unavoidable, we are adept at aggressively defending our clients.

### **Williams Mullen’s Team Understands Long-Term Care Law**

Members of our Long-Term Care Team have defended numerous long-term care owners and operators in matters ranging from shareholder and insurance coverage disputes to malpractice claims. We have handled long-term care facility lawsuits in numerous state and federal courts. Team members are familiar with the judges who hear the cases and the juries that decide them. Additionally, depending on the circumstances and the client’s wishes, we are experienced in resolving cases prior to trial on terms favorable to our clients.

### **Williams Mullen Representation in Virginia, North Carolina and Beyond**

For facilities that are regulated by state certificate of public need law, Williams Mullen also has significant experience in certificate of public need administrative and judicial proceedings in both Virginia and North Carolina.

### **Representative Experience**

- Represented and continue to represent multiple long-term care facilities in claims for personal injury arising from falls.
- Represented and continue to represent multiple facilities in personal injury and wrongful death

cases arising out of resident transfers.

- Represented multiple facilities in personal injury and wrongful death claims for alleged negligent administration and supervision of medication.
- Represented and continue to represent multiple facilities in personal injury claims for alleged negligent care resulting in skin sores and ulcers.
- Represented and continue to represent multiple facilities in personal injury and wrongful death claims for alleged negligence resulting in weight loss, dehydration and/or malnutrition.
- Represented and continue to represent facilities in Medicaid/Medicare reimbursement disputes.
- Represented shareholders in dispute regarding ownership interests in large chain of long-term care facilities.
- Represented numerous long-term care facilities in North Carolina in certificate of need administrative and judicial proceedings.
- Represented and continue to represent several nursing home chains in certificate of public need appeals in Virginia circuit court, Virginia Court of Appeals and Virginia Supreme Court.
- Provided charting and documentation training to large chain of long-term care facilities.
- Revised and drafted resident agreements for large regional chain of assisted living facilities.
- Represent upper management and corporate officers in multiple long-term care facilities in claims attempting to extend liability to upper management and corporate officers of holding company.
- Revised and drafted management agreements for large chain of regional assisted living facilities.

## Related News

- Courts? Treatment of N.C. CON Decisions Uncertain in Wake of Procedural Changes
- CMS Final Rule Mandates North Carolina Medicaid RAC Program by January 2012
- RACs, RACs, RACs? Don't Forget About the MICs
- Avoiding Contempt: Responding to Non-Party Subpoenas
- OSHA To Take A Close Look At Nursing Homes
- Legislature to Study Whether Long Term Care Facilities Should Be Required to Carry Liability Insurance
- Recent Cases Expanding False Claims Act Liability for Stark Violations
- Williams Mullen Advises Genesis HealthCare in Real Estate Assets Acquisition by Health Care REIT, Inc.
- 12 Williams Mullen Attorneys Named 2016 North Carolina Super Lawyers
- Williams Mullen Strengthens Health Care Practice with Addition of Six Attorneys
- Elizabeth Scott Named to 2017 Class of Leaders in the Law by North Carolina Lawyers Weekly
- 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
- 6 Williams Mullen Attorneys Ranked on 2019 Top Lists by Virginia Super Lawyers

- 30 Williams Mullen Attorneys, 12 Practice Areas Recognized in Chambers USA 2019

## **Related Events**

- Maintaining a Healthy Corporate Structure

## **Related Attorneys**

- Rebecca E. Ivey – 804.420.6334 – [rivey@williamsmullen.com](mailto:rivey@williamsmullen.com)
- W. Benjamin Pace – 804.420.6932 – [wpace@williamsmullen.com](mailto:wpace@williamsmullen.com)
- Elizabeth Davenport Scott – 919.981.4004 – [escott@williamsmullen.com](mailto:escott@williamsmullen.com)