



Hanson Bridgett Practice Group Senior Housing & Care

For more than 50 years, Hanson Bridgett has led the way in furnishing legal services and business advice to residential communities, long-term care providers and specialized enterprises that serve senior citizens. Today, the firm serves as general and special counsel to more than 250 clients in the field, including operators of established facilities, developers undertaking new ventures, and lenders and investors seeking to acquire existing properties. Among our clients are many of the major national companies, nonprofit providers, investors, lenders, associations, and individual communities active in the field.

Our attorneys have distinguished themselves nationally by authoring the major business/legal treatise on senior housing and care facilities, through frequent speaking engagements at conferences throughout the country, by writing articles for state and national publications, and by serving in significant leadership capacities in such organizations as the American Seniors Housing Association, Leading Age, the Assisted Living Federation of America, the California Assisted Living Association, and Aging Services of California.

Our representation encompasses numerous types of properties and providers including:

- assisted living communities
- independent living properties
- continuing care retirement communities (CCRCs)
- skilled nursing facilities
- HUD financed housing
- seniors apartment units



- cooperatives and condominiums
- home health agencies
- adult day care providers

The firm also represents hospitals, psychiatric facilities, trade association; hospices and home health agencies; intermediate care facilities, clinics, physician groups, medical research organization; health maintenance organizations and other health care providers, as well as a wide variety of other for-profit and nonprofit corporations, companies, associations and partnerships, including real estate developers.

Our legal services in the area of senior housing and care include:

Regulatory Matters

We assist our clients on a wide range of matters, including regulatory compliance; new facility licensure; continuing care compliance; facility construction and fire safety standards; Medicare and Medicaid certification and decertification; nursing and assisted living license revocation and citation appeals; corporate compliance programs.

Project Development and Acquisition

We routinely provide advice on project development and acquisition, including due diligence; real estate purchases; structuring and approval of condominiums and cooperatives; zoning and land use planning; design and construction issues; corporate and financial structures; management contracts; resident fee agreements; leases; trusts; powers of attorney; escrow agreements; employee contracts; health services agreements; review of

marketing plans; admission and discharge policies; assisting in establishing long-term care insurance programs; general insurance coverage advice; and securities registration issues.

Operations

We advise clients on operations issues, including compliance with antidiscrimination laws such as the Americans with Disabilities, Fair Housing and Age Discrimination acts; resident admissions, transfers and evictions; participation in managed care networks; estate claims; collective bargaining, conservatorships; right to die issues; contract disputes; antitrust matters; general litigation; tendering insurance claims and advocating for maximum coverage; and advice on the entire spectrum of daily operational issues.

Labor and Employment

Compliance with federal and state labor and employment laws presents unique challenges in the health care industry. The industry employs highly skilled professionals such as physicians, research scientists, and nurses; skilled technicians such as radiological technicians, CT techs, mammographers and paramedics; and a large number of service and clerical personnel. The industry is also highly unionized. Hanson Bridgett's labor and employment attorneys have a long history of representing employers in the health care and related industries. We have experience with physician employment contracting, physician benefit plans, the purchase, sale or merger of represented hospitals, medical groups, dialysis centers, medical transportation companies, and



senior housing and long-term care providers in collective bargaining and union dispute resolution proceedings both before the state and federal agencies and in private arbitration proceedings. Finally, we are skilled and experienced in defending health care employers in all types of employment litigation, such as breach of contract, whistleblower, wage and hour, discrimination, sexual harassment, class actions and disability discrimination litigation.

Employee Benefits

Employee benefits and compensation issues can be complicated and costly for employers. Our Employee Benefits Group handles all types of qualified retirement plans, employee benefits issues that arise in business transactions, executive and equity compensation issues, fiduciary responsibility and welfare plan issues. Our attorneys advise clients on the laws governing retirement and welfare benefits and executive compensation, including ERISA, tax, labor and securities laws. We are conversant with all aspects of the design and administration of retirement plans (including 401(k)s and ESOPs), executive compensation, cafeteria plans, health benefit plans (including cost containment issues), employment agreements, early retirement incentive programs, change-in-control counseling, and the legal aspects of investment of plan assets.

Financing

We work closely with clients on their finance issues, including construction loans, permanent financing, and refinancing; conventional and tax-exempt financing; limited partnership offerings;

credit enhancement; low income housing and rehabilitation tax credits; HUD direct loans and insured loans and other governmental debt and grant funding.

Litigation and Dispute Resolution

We are skilled and experienced in litigation and dispute resolution, including defending lawsuits involving elder abuse, personal injury, wrongful death, employment and breach of contract claims; litigating federal and state licensing citation and deficiency appeals; and reimbursement appeals.

Legislative and Administrative Advocacy

We routinely provide legislative and administrative advocacy advice, including state and federal advocacy and negotiation with legislative bodies and administrative agencies; drafting and analysis of proposed legislation and regulations.

Business Structuring

We are routinely called upon to assist our clients with issues including basic business and tax planning for developers and operators; corporate articles and bylaws; LLC and partnership formation; tax planning and advice; project restructuring; joint venture agreements (including agreements between nonprofit and for-profit partners); applications for tax exemption and letter rulings; trademark and copyright issues.

