Pamela S. Kaufmann
Partner

Pam dedicates her practice to the representation of senior housing and care providers and tax-exempt organizations.

Pam's clients in the senior housing and care field look to her for advice regarding issues large and small from development, operations, risk management, and licensing to joint venturing, affiliations, mergers and acquisitions. Her intimate knowledge of clients' operations and contracts, coupled with her extensive tax-exempt expertise, makes her a natural choice for borrower's counsel whenever clients incur or modify the terms of their tax-exempt debt. Her clients in the industry include assisted living facilities, continuing care retirement communities, skilled nursing facilities, housing providers, hospices, home health agencies, adult day health centers and home care agencies.

Pam remains on the cutting edge of legal reforms and developments in the senior housing and care industry. She is currently a member on the LeadingAge California Board of Directors and is a former chair of the LeadingAge Legal Committee. She was an active member of the state committees that rewrote California's continuing care laws and introduced "care at home" legislation, as well as numerous task forces that have addressed elder care issues. She frequently speaks before industry organizations and has contributed numerous articles to related trade publications.

Pam is also a nationally-recognized expert in the legal concerns of nonprofit and tax-exempt organizations. For more than 25 years, she has advised publicly-supported charities, private foundations, trade associations, self-insurance groups, title holding companies and other nonprofit entities on a host of start-up and operational issues. Her extensive experience spans the entire life cycle of a nonprofit organization.

Pam works with nonprofit clients to find the most streamlined way to achieve their goals through pragmatic decision making. Pam collaborates with clients to develop best practices for operations and governance. She also keeps abreast of developments in the nonprofit and tax-exempt arenas to help clients anticipate and respond to changes.

Pam is a popular speaker and regularly speaks before industry organizations such as LeadingAge, American Health Lawyers Association, Senior Living 100, Senior Living Business, LeadingAge California, LeadingAge Oregon, LeadingAge Washington, the California Assisted Living Association (CALA), and the California Association for

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Health Facilities (CAHF) on issues including coping with economic challenges, innovations in senior care, care at home models, Medicaid divestitures, elder abuse, disability discrimination, fair housing advertising, corporate compliance, tax exemption challenges, social accountability, and corporate governance issues. She has contributed articles on these and other subjects to *The Journal on Taxation*, *Taxation of Exempts*, *Tax Exempt Organization Tax Review*, *Spectrum Magazine*, *California Health Law News*, and the legal newsletters published by LeadingAge, LeadingAge California and CALA.

Pam is committed to the use of plain English and advocates practical, cost-effective solutions to clients’ problems.

Publications

"Court Reinstates End of Life Option Act Pending Further Hearings," *Senior Housing and Care Alert* (June 2018)

"Is This The End of the End of Life Option Act? The Suspension's Impact on Senior Care Providers," *Senior Housing and Care Alert* (June 2018)

"Aid-in-Dying Laws Present New Challenges for Health Care Providers," *The Voice of Experience* (October 2017)

"Legal Marijuana Raises Burning Issues in Senior Care," *Senior Housing Business* (September 2017)

"Aid-in-Dying Laws Present New Challenges for Health Care Providers," *American Bar Association Health Law Section* (August 2017)

"CMS Reverses Its Position Regarding Arbitration Agreements in Long-Term Care," co-author, *Senior Housing and Care Law Alert* (June 2017)

"Death with Dignity: Applying the End of Life Option Act to residential care facilities for the elderly," *Chicago Medicine* (February 2017)

"21st Century Cures Act Holds Promise for Seniors and Senior Care Providers," co-author, Health Care Law Alert (January 2017)

"Death with Dignity in Assisted Living: Applying the End of Life Option Act to RCFEs," *CALA Legal Update* (October 2016)

"The Eleven Habits of Ineffective Nonprofit Boards," *LeadingAge* (May 2016)

"OIG Finds that Hospices Inappropriately Billed Medicare $268 Million," co-author, *AHLA Alert* (April 2016)

"New Law Streamlines Dissolution for Dormant Nonprofit Corporations in California," co-author, *Nonprofit Law Alert* (November 2015)

"New California Assisted Suicide Law Gives Senior Care Providers Limited Protection," co-author, *Senior Housing & Care Law Alert* (October 2015)

"New Enforcement Initiatives in Dementia Care Could Affect SNFs' Five-Star Rating," co-author, *Health & Senior Care Law Alert* (May 2015)

"IRS Notice Liberalizes Private Use Rules Governing Bond-Financed Facilities," co-author, *Health Care Law Alert* (November 2014)

"Advising California Nonprofit Corporations," co-author, *California Continuing Education of the Bar* (1st, 2nd, and 3rd Editions)

"Developing Retirement Communities: Business Strategies, Regulation, Taxation," by Paul Gordon (co-author 1990-1996 updates)

Presentations

“Anticipating and Managing Violence in Senior Care,” co-presenter, AHLA Long-Term Care and the Law (February 2019)

“Medical and Recreational Marijuana in Senior Living,” co-presenter, LeadingAge Webinar (December 2018)

"Identifying & Addressing Mental Health Issues," presenter, CALA Fall Conference & Trade Show (November 2018)

"Whole Person Care Initiative Seminar on End of Life Care on the Frontline – Caring for the Sick and Dying," presenter, St. Thomas More Society (October 2018)

"Confronting Mental Health Needs in Senior Care," presenter, LeadingAge Meeting and Expo (October 2018)

"Confronting Mental Health Needs in Senior Care," presenter, LeadingAge Colorado Annual Meeting (September 2018)

"Confronting Mental and Behavioral Health Needs in Long-Term Care," presenter, American Health Lawyers Association Webinar (July 2018)

"Confronting Mental Health Needs in Senior Care," presenter, LeadingAge Washington Annual Meeting (June 2018)

"Legal Issues Roundtable, CCRC Class Actions," LeadingAge In-House Counsel Meeting (May 2018)

"CCRC Class Actions: Prepare Yourself!" co-presenter, LeadingAge California Meeting (May 2018)

"End of Life Option Act One Year Later," American Health Lawyers Association Annual Meeting (June 2017)

"Confronting Mental Health Needs in Health Care," ABA Washington Health Law Summit (December 2017)

"Reefer Madness: Marijuana in Senior Care and Housing," LeadingAge Washington Annual Meeting (June 2017)

"Evaluating the End-of-Life Option Act, Year 1," California Assisted Living Association Spring Conference (June 2017)

“The Many Faces of Discrimination," Private Client (June 2017)

“Death With Dignity: Right to Die Issues in Senior Care and Housing” 56th LeadingAge California 56th Annual Conference (May 2017).

“Death With Dignity: What Now?," LeadingAge Colorado Annual Meeting (May 2017)

“Reefer Madness: Marijuana in Senior Care and Housing," LeadingAge Oregon Annual Meeting (May 2017)

“Building Financial Resilience in an Ever-Changing Market” speaker, LeadingAge California 56th Annual Conference (May 2017)

“Living with the End of Life Option Act: A Look at the First Year,” LeadingAge California 2017 Policy & Leadership Summit (March 2017)

“Death with Dignity: A Medico-Legal Perspective,” co-presenter, American Health Lawyers’ Association Long-Term Care and the Law Meeting (February 2017)

“The Many Faces of Discrimination,” Private Client (February 2017)

"Physician-Assisted Death: Balancing the Rights of Providers, Patients, and Other Stakeholders," co-speaker, ABA Health Law Summit (December 2016)

"Legal Challenges in Sales and Marketing to Senior Care Residents" University of Southern California (November 2016)

"Right to Die: Issues to Consider," co-speaker, LeadingAge Annual Meeting (November 2016)

"Resident-Led Initiatives: Balancing Autonomy and Liability," LeadingAge Annual Meeting (October 2016)

"Death with Dignity: Right to Die Issues in Senior Care and Housing," co-speaker, LeadingAge WA (June 2016)

"Legal Issues in End-of-Life Care," LeadingAge CO 2016 Annual Conference and Exposition (May 2016)

"Right to Die Issues in Senior Care and Housing," LeadingAge OR 2016 Annual Conference and Exposition (May 2016)

"Right to Die Issues in Senior Care and Housing" and "The State of the Repayable Entrance Fee in 2016," LeadingAge CA 2016 Annual Conference and Exposition (May 2016)

"Legal Issues Update: The State of the Repayable Entrance Fee," LeadingAge PEAK Summit (March 2016)

"Finding Your Voice," co-speaker, American Conference Institute's Women Leaders in Healthcare Law Conference (September 2015)

"Social Accountability: The Next Generation," co-speaker, Be the Voice – LeadingAge Washington and Arizona Conferences (June 2015)

"Social Accountability: The Next Generation," co-speaker, Be the Voice – LeadingAge California and Oregon Conferences (May 2015)

"Senior Community Sales: A Report From the Field," co-speaker, Senior Living In-House Counsel Retreat (September 2014)

"Save Your Tax Exemption: Strategies for Survival," and "Resident Transfer and Review: A Play in 3 or 4 Acts," co-speaker, LeadingAge California Annual Conference (May 2014)

“The Inside Track on Negotiating Contracts with MCOs, ACOs and BPOs,” Senior Living 100 (February 2014)

“Liability Risk and Response in Senior Care and Housing,” University of Southern California (January 2014)

“Issues and Trends in Senior Care,” LeadingAge (October 2013)

“Regulatory Issues in Senior Facility Sales,” Private Client (October 2013)

“Are You Doing Enough to Protect Your Trustees?” California State Bar (October 2013)

“The Dream Nonprofit Senior Care Executive,” LeadingAge Washington (June 2013)

“Innovative Solutions to Thorny Resident Problems,” LeadingAge California (May 2013)

“Who Do You Need in Your C-Suite?” moderator, Senior Living 100 (February 2013)

“Care at Home: An Evolving Landscape,” American Health Lawyers Association Long Term Care and the Law (February 2013)

“Liability Risk and Response in Senior Care and Housing,” University of Southern California (January 2013)

"Combating Asset Divestiture," Private Client (December 2012)

"The Many Faces of Discrimination," Private Client (November 2012)

"Governance: Legal Problems Your Board Can Avoid," webinar, Senior Living Business Interactive (November 2012)

"Executive Compensation: A Legal Perspective," co-speaker, LeadingAge (October 2012)

"Sane Corporate Compliance," Legal Issues Forum, LeadingAge (October 2012)

"Community Benefit Meets Senior Care and Housing," American Health Lawyers Association, Tax Issues for Healthcare Organizations (October 2012)

"Combating Asset Divestiture," Private Client (September 2012)

"Tips for a Successful Marriage: Joint Venturing in Senior Care," Aging Services of Washington (June 2012)

"Real-World Corporate Compliance: A Sane Approach," LeadingAge Oregon (May 2012)

"Closures from the Transferee’s and Payor’s Perspectives," LeadingAge, CA (May 2012)

"Legal Issues Roundtable: A Panel of Experts," co-speaker, LeadingAge PEAK Leadership Summit (April 2012)

"The Surge of For-Profit in Distressed Health Care – What Moves a Nonprofit to the For-Profit Option and How Do Nonprofit Boards Decide to Make the Move?" American Bar Association Business Law Spring Meeting (March 2012)

"Health Care Reform: Why Senior Living is Key to Making it Work," Senior Living 100 (March 2012)

"Current Issues in Aging Services Management – Liability Risk and Response in Senior Care and Housing," University of Southern California (January 2012)

"Continuing Care at Home and Other At-Home Options, American Health Lawyers Association," LTC-SIR Practice Group Tutorials (January 2012)

"Strategies for CCRCs in a Tough Economy, American Health Lawyers Association," LTC-SIR Practice Group Tutorials (January 2012)

"Marketing Issues in Senior Care," Private Client (December 2011)

"Reorganization: Business Opportunity Meets Mission," Private Client (November 2011)

"Combating Asset Divestiture," LeadingAge 2011 Annual Meeting (October 2011)

"Tax Survival Kit for Charitable Providers," LeadingAge, CA Webinar Series (June 2011)

"Tiptoe Through the Minefield: Legal Risks," Prevention and Response in Senior Care and Housing, OASHS 2011 Annual Meeting (June 2011)

"Coping With Disability Discrimination Laws," Private Client (May 2011)

"Asset Divestitures: Tools to Fight Back," LeadingAge, CA 2011 Annual Meeting (May 2011)

"Legal Update II: Asset Divestitures: Tools to Fight Back," LeadingAge (April 2011)

"Tiptoe Through the Minefield: Prevention and Response Strategies for Boards," LeadingAge, CA Webinar Series (March 2011)

"Friendly Family Counseling For a Family of Corporations," Private Client (February 2011)

"Beyond Good Ad Copy: Fair Housing and Other Legal Challenges in Advertising," Aging Services of California Webinar Series (January 2011)

"Legal Update III – Good Facilities, Bad Times – A Report from the Field," AAHSA 2010 Annual Meeting (November 2010)

"Creative Strategies to Fulfill Your Organization's Charitable Mission," AAHSA Annual Meeting (November 2010)

"Coping with Disability Discrimination Laws," Private Client (October 2010)

"Who's Minding the Store? A Primer for Nonprofit Directors," Private Client (September 2010)

"Strategies for Challenging Times," Oregon Alliance of Senior & Health Services (May 2010)

"Detecting & Responding to Signs of Financial Distress," LeadingAge, CA Annual Meeting (May 2010)

"Home-Grown Innovations in Senior Care," LeadingAge, CA Annual Meeting (May 2010)

"Coping With Disability Discrimination Laws," Private Client (April 2010)

"The Legal Implications of Financial Instability," AAHSA Future of Aging Services Conference (February 2010)

"Disclosure—A Legal Perspective," Cain Brothers Women in Senior Living Webinar (November 2009)

"Maintaining Social Accountability In Tough Economic Times" and "Current Tax Issues Facing Not-for-Profit Providers," American Association of Homes and Services for the Aging 2009 Annual Meeting (November 2009)

"Create and Sustain Your Own Charity-Legal Insights," American Baptist Seminary of the West Presentation (September 2009)

"Responding To The Warning Signs of Financial Distress," LeadingAge, CA Freestanding Communities Retreat (August 2009)

"Home-Grown Innovations In Senior Care," International Association of Homes and Services for the Aging 8th International Conference (July 2009)

"Legal Minefields and Ways Your Nonprofit Board Can Avoid Them," American Association of Homes and Services for the Aging Audio Conference (June 2009)

"Social Accountability: It's Not Going Away!" Aging Services of Washington and California Annual Conference (June 2009)

"Alternative Financing Models, or Strategies in a Soft Market" and "Continuing Care At Home and The Provider Advantage," Aging Services of California Public Policy Conference (February 2009)

"A Nonprofit Director's Guide to Senior Care Governance," Private Client (December 2008)

"Social Accountability: A Legal Imperative?" Private Client (October 2008)

"Legal Issues, Part I—Nonprofit Developments," AAHSA Annual Meeting (October 2008)

"Legal Hot Topics—Strategies for Succeeding in a Soft Market," AAHSA Annual Meeting (October 2008)

"Risk Management Meets Business Opportunity: The Case for Reorganization," Private Client (July 2008)

"A Trustee's Guide to Senior Care Governance," Aging Services of California Annual Meeting (May 2008)

"Legal & Accounting Update," Ziegler 2008 California Senior Living CFO Workshop (May 2008)

"Nonprofit Accountability in 2008," Private Client, Building Capacity, Improving Systems, Strengthening Communities (April 2008)

"Legal Update II: Social Accountability," AAHSA Future of Aging Services Conference (March 2008)

"Senior Care Board Governance in 2008," Aging Services of California Board Meeting (February 2008)

"CCRC Board Governance in 2008," Private Client (February 2008)

Press

"2019 Health Care Law Trailblazers," The National Law Journal (May 2019)

"Quantifying Your Impact: Social Accountability," LeadingAge (January 2018)

Honors & Awards

Best Lawyers in America® (2009-2018)

San Francisco Non-Profit/ Charities Law "Lawyer of the Year," Best Lawyers® (2017, 2019)

Women in the Law Award for top peer-nominated lawyers, *Best Lawyers*® (2016)

Chambers and Partners USA, Healthcare

Top Rated Lawyers™ in Healthcare Law; Martindale-Hubbell® (2013)

Martindale-Hubbell AV Rating

Northern California Super Lawyers (2010-2012, 2017)

Professional Affiliations

LeadingAge California, Board of Directors Member

LeadingAge Legal Committee, former Chair

Education

J.D., University of Virginia School of Law (1986)

B.A., with distinction in all subjects, Cornell University (1980)

Admissions and Courts

California