

Nursing Home/Assisted Living Litigation

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A Time of Aggressive Litigation

These are challenging times for providers of long-term care and assisted living services. Increasing regulatory scrutiny at both the state and federal levels has led to a sharp increase in the number and severity of claims alleging abuse, neglect and malpractice. Although filling a critical need in the healthcare delivery system, nursing homes and assisted living facilities are often unfairly cast in a negative light, which presents unique challenges when these claims are presented to a jury.

Exceptionally Qualified to Defend You

Peabody & Arnold's health care attorneys understand the unique concerns facing these industries and bring a wealth of experience and knowledge to the defense of these complex cases. Our team has handled a wide variety of claims that arise in these settings, including those involving:

- Alleged inadequate supervision
- Understaffing
- Falls
- Elopement
- Pressure ulcer care
- Medication errors
- Wrongful death

We have a proven track record in securing defense verdicts after jury trials and through arbitration. Additionally, we have achieved numerous case dismissals through dispositive motions and have successfully resolved many lawsuits through mediation and other forms of alternative dispute resolution.

A Prescription for Success

Our approach is to identify and minimize your risk through early investigation and assessment of claims and potential claims so that an effective and efficient defense strategy can be implemented at the outset. When warranted, we seek to avoid costly litigation through early resolution, but stand ready to defend cases through verdict when resolution cannot be achieved.

In addition to defending negligence and malpractice claims, our attorneys routinely handle related matters on behalf of elder care providers, including:

- Representation of physicians, administrators, nurses and aides before licensing boards

- Defense of civil and criminal actions involving alleged Medicare and/or Medicaid fraud
- Assistance with preparation of plans of correction for submission to local and federal survey agencies
- Post-incident investigation and crisis management

We are active in organizations representing the long-term care and assisted living industries including Defense Research Institute, American Health Care Lawyers Association, and others. We speak at risk management seminars and publish articles on areas of concern to our nursing home and assisted living facility clients.