

POST ACUTE CARE: HOME CARE, HOME HEALTH AND HOSPICE

As the U.S. population continues to age, home health, home care and hospice industries are becoming increasingly important. With changing reimbursement and extreme labor shortages, many post-acute providers are struggling financially and operationally.

Buchanan offers a multi-disciplinary team of attorneys and government relations professionals who know and understand the home health, home care and hospice industries. Below are a few case studies that highlight the various ways in which we have provided key legal assistance to these clients across the U.S.

Cross-Practice Support for an International Provider of Home Health Services

Since 2007, Buchanan has represented an international nonprofit home health provider with various labor and employment matters, including counseling on wage and hour class actions, trade secret and restrictive covenant issues, and wrongful termination claims. We have also successfully defended this provider in over 40 professional liability suits brought by prominent, sophisticated plaintiff's firms. Other matters included immigration, assistance with enrollment in Florida Medicaid, counseling regarding employment agreements and the development of a joint venture.

In addition, Buchanan's Government Relations team has assisted with various efforts in both Pennsylvania, Florida, and on a federal level. For instance, the team helped to secure language in Pennsylvania Act 24 of 2021 that allocated funds for a \$5 per hour increase in the fee-for-service fee schedule rate for pediatric shift nursing services provided by registered nurses and licensed practical nurses in a home care setting. The team also secured a 2% reimbursement increase for personal assistance service rates, which was included when the Pennsylvania General Assembly passed the 2019-2020 state budget.

Successfully Representing a Home Care Services Provider

Since 2018, Buchanan has served as legal counsel to a home care services provider with annual revenue of more than \$100 million. Our representation has included addressing the provider's relationship with its key payors, resolving various regulatory challenges, and providing regulatory counsel in connection with the sale of the provider to a venture capital firm. Since the transaction, we have continued to handle regulatory and reimbursement matters for this provider, and also assisted in new mergers and acquisitions. Buchanan's Government Relations team has also assisted with various state-related matters.

Lobbying for a Leading Trade Association before Congress

Buchanan's Government Relations team is representing a national home care association before Congress, the Executive Branch and other agencies. Buchanan hosted this trade association's annual meeting, which included over 130 home care agency independent owners, franchise owners and c-suite executives. Buchanan's Washington D.C. office was the site for the opening reception that included a pre-recorded message from Senator Mike Braun (R-IN), ranking member of the Senate Aging Committee and in-person remarks from U.S. House Representative Debbie Lesko (R-AZ). The following day our client held its opening session on Capitol Hill. Buchanan secured the attendance of Rep. Madeleine Dean (D-PA) to provide opening remarks, as well as Rep. Adrian Smith (R-NE) to discuss the introduction of his legislation, the Homecare for Seniors Act, that would provide tax-exempt distributions from health savings accounts for qualified home care services. The Buchanan team set up over 110 visits with Congressional offices for attendees throughout the day and ended the series of events with a picture on the Capitol steps and closing remarks from Representative Julia Brownley (D-CA), who is championing legislation for Veterans to receive greater access to home care services.

Deep Experience with Healthcare Transactions

Over the past few years, the Buchanan team has led 40+ major healthcare transactions valued at more than \$20 billion. While we handle the most sophisticated, complex transactions, we are also known for middle-market acquisitions and sales, including a significant number of home health, hospice and home care transactions.

Our lawyers have represented clients in the following representative transactions involving home health, home care and hospice providers across the country:

- Served as counsel to a regional provider of hospice and home health services in multiple acquisitions and restructurings, resulting in the largest nonprofit hospice provider in the U.S.
- Represented a home health and hospice services provider in the formation of a joint venture among local healthcare providers, and the acquisition by the newly formed joint venture of the assets of another home health provider.
- Served as counsel to a medical facility located in Erie, PA in the sale of assets of a home health and hospice entity and the purchase of an interest of an Erie-based home health and hospice association.
- Represented an in-home care company in the sale of its home care services businesses in both Pennsylvania and Delaware in two separate closings.
- Represented a Continuing Care at Home Program in the sale of 100% of its assets.
- Represented a large non-profit hospice in its acquisition of a home health agency.
- Represented a Texas-based company in the acquisition of the assets and home care operations of a national company.
- Represented a Pennsylvania-based system in the sale of its home health and hospice assets.
- Represented a Pennsylvania-based health system in the formation of a home health and hospice services joint venture. Subsequently represented this joint venture in the acquisition of assets of another home health agency.
- Represented religiously affiliated home care companies in the sale of a home health agency; in the consolidation of two home health agencies; and in the sale of private duty nursing, adult day care, companion care, home aids and hospice businesses.
- Represented a home health agency with regulatory matters in connection with the development of a healthcare service firm joint venture.
- Represented a medical center in connection with a joint venture to run a free-standing home health agency.

Understanding the Dynamics of Family-Owned Companies and First-Time Sellers

We realize that many home care companies are family-owned. We also have a special niche representing family-owned businesses and first-time sellers. We understand that the sale of a family company has its own set of challenges and emotions. Buchanan has extensive experience with:

- Transactions involving family businesses as well as family counseling
- Board advisory roles and representation of intra-family disputes
- Assisting family-owned businesses transition to non-family boards and non-family management
- Partnering with family business consultants

We also know that it is important to understand the family's goals, including:

- Goals of the majority and minority shareholders
- Potential impacts to non-shareholder family members
- Family relationships and dynamics
- Financial needs and considerations
- Post-sale goals
- Timing of a transaction

We Offer a Full Range of Healthcare Solutions

Buchanan provides a full range of legal and government relations services for national, regional and local hospitals and health systems, post-acute care providers, assisted living and personal care homes, urgent care and hospice providers. These services include, but are not limited to, transactional services, regulatory and compliance advice and professional liability defense. This industry wide healthcare knowledge and experience, which includes the ability to connect clients in difference spaces, provides a benefit for all clients, including those in home health, home care and hospice.



“Thank you so much for your hard work and safe counsel in getting us to closing today. Your professionalism with a human touch was a breath of fresh air in this often times stodgy legal work. I really enjoyed working together and look forward to doing so in the future.”

– *Current Home Care Client*