HALL BOOTH SMITH, P.C.



dgraham@hallboothsmith.com

Partner

2012217012

BIOGRAPHY | EXPERIENCE | CREDENTIALS | MEMBERSHIPS | RECOGNITION | PRESENTATIONS | PUBLICATIONS | IN THE PRESS

Biography

Drew Graham started his practice with Hall Booth Smith in 1992, developing expertise in traditional medical and professional negligence. In 1996, Drew created the firm's Aging Services practice in response to industry demand for specialist attorneys in the evolving area of long term care litigation.

As chair of the group, Drew is committed to making it the go-to resource for health care providers facing the challenges of a complex and highly regulated specialty. The group has grown to include over 80 attorneys, each with an in-depth appreciation of the industry.

Drew is frequently called to assist with the management of batch claims, complex discovery, and trial. He works with counsel across the country on developing strategies to address damages in all types of medical cases. Drew is actively involved in numerous professional organizations and is a frequent speaker at industry and legal meetings. He is peer rated AV Preeminent® Peer Review Rated™ by Martindale-Hubbell. He lives in New York with his wife and daughters.

Services

Aging Services

Dental

Health Care

Medical Malpractice

Strategic Teams

Batch Claims & Class Action

Coronavirus

Crisis Management

Monitoring & Supervisory Counsel

National Trial Counsel

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Outside General Counsel

Telehealth

Experience

Aging Services

Drew is a specialist in the government regulations applicable to long term facilities and frequently consults with counsel around the country to develop the liability defenses facilitated by the vast regulatory scheme governing nursing homes and assisted living facilities.

Med Mal

Drew represents hospitals, nursing homes, home health, and companion providers in administrative and civil matters. Drew also consults with hospital risk managers, their administrative teams, and internal hospital committees on a variety of legal issues including but not limited to:

- Medical Records Documentation
- Informed Consent
- General Consent
- Hospital Ethics Committee Issues
- Mental Health Commitment
- Guardianship
- EMTALA
- Risk Prevention
- Peer-Review
- Credentialing
- Medical Staff Issues
- Regulatory Issues

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Credentials

Admitted

State Courts:

- Georgia
- New Jersey
- New York
- Tennessee

Education

- J.D., Mercer University, 1992
- B.A., Mercer University, 1986

Memberships

- Atlanta Bar Association
- Defense Research Institute (DRI)

Recognition

- AV Preeminent® Peer Review Rated™, Martindale-Hubbell

Presentations

- **Senior Living Update: Verdicts, Settlements, and Management of Upstream Liability**
  American Legal Connections June 2025
- **Flipping the Script!**
  Marsh Healthcare Forum, May 2025
- **Third Party Litigation Funding Presentation,**

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2025 Guy Carpenter Medical Professional Liability Networking Forum, May 2025

- **New Juries and New Trial Techniques: Ripping Up the Old Playbook,**
  Crittenden, April 2025
- **Chevron, Kisor, Loper Bright, Jarkesy (and Avon)– What Long Term Care Practitioners Need to Know About Recent Supreme Court Administrative Law Decisions,**
  American Health Law Association, February 2025
- **Professional Liability Update What Should We Expect?**
  American Legal Connection, January 2025
- **Strategic Approach to the New Litigation Environment,**
  Cayman Captive Forum, December 2024
- **Lessons Learned From Professional Liability Lawsuits In Senior Living**,
  Marsh, October 2024
- **American Legal Connections 5th Annual Healthcare Symposium,**
  Moderator, July 2024
- **American Legal Connections Denver,**
  Moderator, June 2024
- **Taking Back Control - A New Paradigm for Litigation and Negotiation,**
  Coverys, May 2024
- **Ripping Up the Old Playbook: Re-thinking Litigation Guidelines for 2024 Severity,**
  Crittenden Medical Liability Conference; April 8, 2024

More +

- **American Legal Connections Chicago,**
  Moderator, April 2024
- **Strategies and Insights for Navigating Local and National Counsel Relationships,**
  AEIX, March 2024
- **The State of Senior Living,**
  American Legal Connections, March 2024
- **Defense Tactics the Work – Part 1: Taking Back Control of Litigation and Negotiation,**
  ClaimsXchange Napa Conference, March 2024

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- **American Legal Connections Boston,**
  Moderator, February 2024
- **American Legal Connections London,**
  Moderator, February 2024
- **US Litigation and Long-Term Care Claims,**
  Allied World Assurance Company, Ltd, January 2024
- **American Legal Connections Bermuda,**
  Moderator, January 2024
- **Third Party Litigation Financing**,
  MCIC Shared Learning Conference, October 2023
- **Taking Back Control A New Paradigm for Litigation and Negotiation**,
  Coverys Claims Conference, October 2023
- **Legal Trends**,
  NCHA, October 2023
- **The Data Defender: A Unique Response to Litigation**,
  AHCA, October 2023
- **Third Party Litigation Funding**,
  MCIC Shared Learning Conference, October 2023
- **Senior Living Long Term Care: Claims and Legal Trends**,
  ASHRM, October 2023
- **American Legal Connections 4th Annual Healthcare Symposium,**
  Moderator, July 2023
- **Different Risks Require a Different Process**,
  AEIX RRG Claims Caucus, April 2023
- **Claim Strategies**,
  GC MPL Conference, April 2023
- **Taking Back Control: A New Paradigm for Litigation and Negotiation**,
  2023 Arch Wholescale Producer Appreciation Event, April 2023
- **Large Settlement Analysis: A New Normal in Evaluating Settlement Values**,
  2023 Crittenden Medical Liability Conference, April 2023
- **Let’s Get Real, Time Traveling in the Defense of Damages,**
  CLM Conference, March 2023
- **Taking Back Control: A New Paradigm for Litigation and Negotiation**,

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Berkshire Annual Meeting Presentation, March 2023

- **Assisted Living and Senior Housing Legislative and Regulatory Update**,
  AHLA 2023 Long Term and Post-Acute Care Law and Compliance Conference, March 2023
- **PREP Act, Still Too Early to Tell Whether Providers Will Be Immune,**
  McKnight's Long-Term Care News, Podcast, February 2023
- **Managing the Cost of Risk During Economic Uncertainty: How Risk Control Impacts Your Insurance Costs in a Post-pandemic World**
  Senior Housing News' RISK Summit, December 2022
- **Effect of Litigation Trends on Captives and Others,**
  Cayman Captive Forum, November 2022
- **The Other Side of the Pandemic: Verdicts, Damages, and Mediations,**
  Defense Counsel Summit, November 2022
- **Legal, Licensure and Liability Risk Drivers for Senior Care,**
  Marsh, Webinar, October 2022
- **New and Different Ways of Addressing Damages,**
  Medical Professional Liability Association, October 2022
- **The Future of Medical Malpractice Litigation,**
  Constellation Mutual, October 2022
- **Deconstructing Professional Liability Claims,**
  Marsh, September 2022
- **Legal Environment Post COVID,**
  Crittenden Medical Insurance Conference, September 2022
- **Deconstructing Professional Liability Claims,**
  Marsh Senior Living & LTC Industry Risk Summit, September 2022
- **Hospital and Physician Professional Liability 2022 Benchmark Report**,
  AON/ASHRM, September 2022
- **The First Move Advantage: How the Anchoring Bias Drives Litigation, Negotiation and Everyday Life,**
  South Carolina Captive Association Conference, September 2022
- **Issues, Consideration, and Defense Strategies for Dealing with the Staffing Crisis,**
  DRI, September 2022

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- **Legal, Licensure and Liability Risk Drivers for Senior Care,**
  ASHRM National LTC Annual Conference, September 2022
- **Strategies to Reduce Risk**,
  Guardian Health, August 2022
- **Data Brockovich – Write Better reports,**
  Zimmet Healthcare Conference, August 2022
- **American Legal Connections 3rd Annual Healthcare Symposium,**
  Moderator, July 2022
- **The New Aging Services Public Data: How Transparency will Change Aging Services Litigation**,
  Long Term Care Insurance Conference, June 2022
- **US Legal Trends Real Time Update,**
  Bermuda Healthcare Forum 2022, April 2022
- **Is That A Lizard In My Soup? Countering Public Perception Of The Insurance Industry and Preventing Aberration Verdicts,**
  Claims and Litigation Management (CLM) 2022 Annual Conference, March 2022
- **Regulatory Impact Report: Providing the Defense Team Early Notice of Adverse Survey Implications,**
  AHLA, February 2022
- **Crisis Standards of Care: The Risk Management Perspective,**
  ASHRM, Webinar, January 2022
- **Developing Trends in Colorado Discovery,**
  Children's Hospital Colorado, January 2022
- **Guy Carpenter 2022 Med. Prof Liability Networking Forum,**
  December 2021
- **Litigation Trends, Constellation Utah Defense Counsel Group,**
  December 2021
- **Crisis Standards of Care,**
  ASHRM, Webinar, November 2021
- **The Impact of COVID-19 on Georgia Senior Housing: Review of the NORC Study,**
  GSLA Conference & Trade Show, October 2021
- **Regulatory, Claim and Practice Drivers of Senior Care Risk**,

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ASHRM Annual Conference, October 2021

- **How Long-Term Care Public Data Will Change Risk and Defensibility Post COVID,**
  Crittenden Medical Insurance Conference, September 2021
- **DRI 2021 Nursing Home/ALF Litigation Seminar,**
  September 2021
- **Regulatory, Claim and Practice Drivers of Senior Care Risk,**
  ASHRM, Webinar, September 2021
- **Litigation Trends, Constellation and Mountain States Hospital Group,**
  September 2021
- **Social Inflation in a COVID-19 World,**
  MedPro, Webinar July 2021
- **Early Resolution and Anchoring: Lessons Learned & New Challenges,**
  Webinar, June 2021
- **Baptist Health Discovery presentation,**
  Webinar May 2021
- **IronHealth & Sallop Insurance Webinar: COVID19 and its impact on the Senior Care Market,**
  Panelist, Webinar, May 2021
- **Complying with the Revised CMS COVID-19 Visitation Recommendations for Skilled Nursing Facilities,**
  American Society for Health Care Risk Management **(**ASHRM), Webinar, April 2021
- **EMR Education Seminar,**
  Premier Insurance Management Services (PIMS), Webinar, March 2021
- **Preparing for Long Term Care and the Law - Logging into Matchbox,**
  American Health Lawyers Association (AHLA), Webinar, March 2021
- **Changing the Discovery Paradigm: The Five Myths of Defending Requests for Electronically Stored Health Information in Professional Liability Litigation,**
  Premier Insurance Management Services (PIMS), Webinar, March 2021
- **COVID-19 Vaccines in LTC,**
  American Health Law Association, Webinar, March 2021
- **State and Federal Immunity Statutes 101: An In-**

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Depth Guide to COVID-19 Relief Protections for LTC Providers,
ACI, Webinar, February 2021

- **COVID-19 Risk Management and Mitigation Update,**
  Panel Webinar, Willis Towers Watson, January 2021
- **Psychological Anchoring,**
  Inspirien, Webinar, January 2021
- **Covid-19 Defense Panel: Expert Presentation For Attorneys Representing Healthcare Facilities,**
  MedPro, Webinar, December 2020
- **Covid-19 Litigation Update,**
  Caring Communities, Webinar, December 2020
- **PREP Act Roundtable Discussion,**
  Argentum, Webinar, December 2020
- **Covid-19 Professional Liability Legal Update**
  Hall Booth Smith Webinar, November 2020
- **A Lawsuit Tsunami? Where COVID Liability Starts and Ends**
  LTC-100 Leadership Conference, November 2020
- **Change and Challenge: Five Trends Impacting Senior Housing Litigation in 2020**
  MedPro Senior Care Symposium, October 2020
- **COVID-19 Related Claims**
  Captive Insurance Council Of The District Of Columbia, Inc. Annual Conference, October 2020
- **Key FTAGs for the Defense**
  Pendulum & HBS Regulatory Update, October 2020
- **National COVID Defense Counsel Roundtable Discussion**
  Webinar, October 2020
- **Liability Mitigation Strategies for The New Normal, Understanding the PREP Act and Its Potential Application for Senior Living,**
  Argentum, Panelist, Webinar, September 2020
- **Documentation: Rooting Out the Reptile,**
  Presbyterian Manors Of Mid-America, Panelist, Webinar, September 2020
- **Enterprise Risk Management for Senior Care**
  Crittenden Virtual Medical Insurance Conference, September 2020
- **What Every Long-Term Care Attorney Needs to Know**

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About State and Federal Immunity Statutes: An In-Depth Guide to New State COVID-19 Relief Protections for LTC Provider:
ACI's National Forum on COVID-19 Liability for Long Term Care and Senior Care Facilities, August 2020

- **Current State of COVID-19**
  American Legal Connection, August 2020
- **Caring Communities Focus Member Presentation**
  Webinar, August 2020
- **Nursing Home Regulatory Update: Specific information relative to the regulatory deficiencies most received by aging services facilities,**
  CNA Webinar, August 2020
- **Developing Defense Themes in COVID-19 Related Senior Housing Claims: LTC Risk Legal Forum Defense Firm COVID-19 Strategy Call (Industry & Defense Firm Members)**
  July 2020
- **Understanding the History and Purpose of the PREP Act: Next Steps to Protect Senior Housing from COVID-19 Claims, LTC Risk Legal Forum Defense Firm COVID-19 Strategy Call (Industry & Defense Firm Members)**
  Panel Webinar, July 2020
- **Forecasting Medical Liability Claims in the Age of COVID-19: How to Mitigate Risk and Reduce Payouts from Potential Negligence Claims**
  Webinar, June 2020
- **2020 DRI Nursing Home Seminar**
  June 2020
- **COVID-19 National Coordinating Counsel: Education, Standardization, Monetary Value, Defend, Try**
  Webinar, May 2020
- **Litigation Against Nursing Homes/ALFs Following the COVID-19 Pandemic: Three Things to Do Now to Prepare**
  DRI Webinar, May 2020
- **Taking Back Control: Defense Panel Workshop,**
  Children's Hospital Colorado, February 2020
- **Anatomy of Falls Suit,**
  Argentum/Willis Towers Watson, February 2020

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- **Best Practices in Litigation Management**
  Argentum/Willis Towers Watson, February 2020
- **Change & Challenge: Five Things Impacting Assisted Living Litigation in 2020**
  American Legal Connections, February 2020
- **The Payroll-Based Journal and Nursing Home Litigation**
  Care Providers Oklahoma, February 2019
- **Sexual Assault in Senior Housing Communities: The Regulatory, Legal & Risk Management Issues Facing Providers and Their Insurers**
  Crittenden Medical Insurance Conference, March 2019
- **The Good, The Bad, and the Scary: Legal/Insurance and How to Avoid Pitfalls and Be On The Winning Side of the Law**
  The Guardian Foundation/Health Systems, April 2019
- **Reputation Management and Social Media**
  Argentum 2019 Senior Living Executive Conference, April 2019
- **What Does Specialty Counsel and AIG Claims Bring to the Table?**
  AIG, May 2019
- **Workplace Violence in Healthcare: The Regulatory, Legal and Reputational Response**
  American Society for Health Care Risk Management, May 2019
- **The Changing Faces of Claims**
  Medical Professional Liability Association Conference, May 2019
- **Legal Update on Staffing Covering The New Payroll-Based Journal Program**
  MedPro, May 2019
- **Long Term Care Underwriting Trends, 3rd Annual Long Term Care Insurance**
  ExecuSummit,June 2019
- **Taking Back Control of Healthcare Litigation**
  DRI Nursing Home and Assisted Living Facility Litigation Seminar, September 2019
- **Enterprise Risk Management for Senior Care**
  ASHRM 2019 Annual Conference & Exhibition, October 2019
- **Claims litigation and Settlement – Oh My!,**

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WTW 16th Annual Senior Living Risk Symposium, October 2019

- **Strategies for Evaluating and Litigating Catastrophic Cases, Patient Safety Work Product Privilege**
  University of California, Professional Medical Hospital Liability Program, Panel Counsel Seminar, December 2019
- **Patient Safety Work Product (PSWP) Privilege in the Context of Patient Safety Organizations**
  University of California, Professional Medical Hospital Liability Program, Panel Counsel Seminar, December 2019
- **Class Action; Successfully Navigating Family Conflict; and Mitigating Risks in High Acuity Settings**
  Argentum Senior Living Executive Conference, May 2018
- **Deposition Boot Camp: Taking an Effective Family/Plaintiff Deposition**
  Long Term Care Lawyers Webinar, June 2018
- **Aging Services Public Data**
  Pendulum, LLC, September 2018
- **Legal Trends**
  North Carolina Healthcare Association, September 2018
- **Payroll-Based Journaling: Demystifying the Data for the Defense**
  DRI Nursing Home and Assisted Living Facility Litigation Seminar, September 2018
- **You Made the News: Senior Citizen Dies After Staff Fails To?**
  American Society for Health Care Risk Management 2018 Annual Conference, October 2018
- **Negotiation Strategies for High Exposure Medical Cases**
  14th Annual Medical Liability Insurance ExecutSummit, October 2018
- **Opiods and Other Trends: What Frontiers Are to Come?**
  Society for Health Care Risk Management of New Jersey Panel, November 2018
- **The Adapt Strategy: A New Way To Address High Exposure Damages**
  ASHRM Annual Conference & Exhibition, October 2017
- **Emerging Legal Trends in Medical Liability**
  13th Annual Medical Liability Insurance ExecuSummit,

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September 2017

- **Preparing Your Closing Argument: To Anchor or Not?**
  Pendulum, July 2017
- **Content Management Systems (CMS' ROP) Changes**
  Continental Casualty Company, July 2017
- **Public Quality Data and the Nursing Home Litigation Explosion: Are the Hospitals the Next Target for Dual Enforcement**
  American Health Lawyers Conference, June 2017
- **Take Back Control of Healthcare Litigation**
  American Society for Healthcare Risk Management Conference, April 2017
- **Senior Housing Class Actions**
  MedPro Senior Care Litigation, April 2017
- **The Good the Bad the Ugly: Documentation**
  Co-presented with Joe Desmond, Guardian 13th Annual Risk Management Conference, April 2017
- **Understanding Staffing Claims**
  MedPro Senior Care Litigation, April 2017
- **The Senior Care Assessment Model**
  MedPro Senior Care Litigation, April 2017
- **Senior Care Data Recourses: Understanding the Regulatory Impact**
  MedPro Senior Care Litigation, April 2017
- **Punitive Damages in Senior Care Litigation**
  MedPro Senior Care Litigation, April 2017
- **Long Term Care / Aging Services**
  State Court of Fulton Count Georgia Steering Committee, February 2017
- **Underwriting Presentation**
  Beazley, February 2017
- **Centers for Medicare Services and Requirements of Participation for Nursing Homes**
  Call in session, January 2017
- **Managing Social Media Risk and Avoiding Social Media Crisis,**
  January 2017
- **Notice Act – Arbitration and New Regulations Affecting Senior Living**
  December 2016
- **New Regulations**

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November 2016

- **Home Care Advantage**
  Webinar, November 2016
- **Arbitration and New Regulations Affecting Senior Living**
  Webinar, November 2016
- **Arbitration and the New Nursing Home Regulations**
  Webinar, October 2016
- **Social Media-A Panel Discussion**
  Senior Living Conference, October 2016
- **The Three Most Important Things You Need to Know About the New SNF Conditions of Participation**
  DRI Nursing Home/AFL Litigation Seminar, September 2016
- **Latest Legal Trends – Attorney Perspective On Hiring Practices and the Relationships Between Good Practices and Liability Litigation with Examples**
  Guardian Risk Management conference, April 2016
- **Kick-Off Session on the High-Exposure MPL Marketplace: Top Med Mal Claims Trends for 2016 the Latest Issues Affecting the Industry, Identifying and Mitigating New Risks, Controlling Costs, What's on the Horizon, and Examining the IOM Report on Improving Diagnosis in Healthcare**
  Medical Malpractice Catastrophic Injury Conference, February 2016
- **State of the Aging Services Insurance Marketplace in Hawaii**
  Atlas Risk Management, January 2016
- **Anatomy of a Fall Case**
  Georgia Health Care Association, Summer Convention, June 2015
- **Manage Your Risk or Manage The Lawsuit**
  Health Systems and Guardian Foundation, Risk Management Conference, April 2015
- **Nurse Practitioners & Physician Assistants as the New Primary Care Providers**
  Crittenden Medical Insurance Conference, March 2015
- **The Intersection of Regulatory and Personal Injury Litigation – Practical Considerations**
  American Health Lawyers Association's Long Term Care and the Law Program, February 2015

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- **Nursing Home Data Resources: Building Blocks for the Defense**,
  Defense Research Institute, Nursing Home/ ALF Litigation Conference, September 2014
- **Guardianship and Informed Consent**,
  Georgia Medical Director Association, Summer Meeting, June 2013
- **Home Health & HIPAA**,
  HC Pro Webinar, May 2013
- **Providing Resident Centered Care While Avoiding Risks and Liability in Assisted Living**,
  American Health Lawyers Association's Long Term Care and the Law, January 2013
- **Overview of State and Federal Elder Abuse Statutes**,
  American Conference Institute, Long Term Care Regulatory Boot Camp, September 2012
- **Will Health Care Reform Change Long Term Care Litigation Forever**,
  Professional Liability Underwriting Society, Medical Professional Liability Symposium, March 2011
- **Ethics and Decision Making a Multi-Disciplinary Approach**,
  Georgia Health Care Association, January 2011
- **The Immediate Implications of Healthcare Reform for Skilled Nursing Facilities**,
  Georgia Health Care Association Webinar, April 2010
- **Residents' Rights Boot Camp: Life After the Affordable Care Act**,
  Georgia Health Care Association, August 2010
- **Top Legal and Risk Management Trends for 2010**,
  Pendulum Legal Risk Management Workshop, March 2010
- **The Impact of Quality Initiatives on Long Term Care Litigation**,
  American Health Lawyers Association, Long Term Care and the Law, February 2010
- **The Fairness in the Nursing Home Arbitration Act**,
  Pendulum Long-Term Care Risk/Legal Committee Meeting, January 2010
- **Social Networking and Long Term Care: The Basics**,
  Georgia Health Care Association 2010 Mid Year Convention, January 2010

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- **Arch Long Term Care Update**,
  London, November 2009
- **Legal Trends**,
  National Council of Healthcare Agents, October 2009
- **Five-Star Quality Rating System**,
  CNA Panel Counsel Meeting, September 2009
- **To Apologize or Not to Apologize – Consideration for Long Term Care Providers**,
  January 2009
- **Long Term Care Underwriters' Update**,
  various Lloyd's Syndicates, London, November 2008– 2015
- **Arbitration Update, Incident Reports & Workplace Harassment**,
  Georgia Health Care Association Annual Meeting, June 2008
- **Long Term Care Regulatory Update**,
  CNA Panel Counsel Meeting, September 2007
- **Fifth Annual General Practice and Trial Section Institute Handling Long Term Care Liability Matters**,
  ICLE in Georgia, Amelia Island, Florida, March 2006

Publications

- **How Nursing Homes Can Leverage MDS, PBJ, Other Facility Data to Protect Against Litigation, Lending Issues**
  Skilled Nursing News, June 10, 2024
- **Providers Need 'Coherent Story' To Combat Data Misrepresentation In Legal Cases, Public Opinion: Experts Warn**
  McKnight's Long-Term Care News, June 10, 2024
- **From the Field: Understanding and Limiting Aberration Verdicts**
  Aon/ASHRM Hospital and Physician Professional Liability Benchmark Analysis (pp. 26–27). Hall, J., & Graham, D. , September, 2022
- **Nursing Home Operators Could Face Fines, Citations Tied to Arbitration Agreements as Part of New CMS Requirements**
  Skilled Nursing News, July 19, 2022

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- **What Might the RaDonda Vaught Conviction Mean for Skilled Nursing?**
  McKnight's Long-Term Care News, June 27, 2022
- **Biden Administration Cracking Down on Nursing Home Safety**
  Healthcare Risk Management, May 1, 2022
- **How (to This Point) Has PREP Act Application Gone So Wrong?**
  The New York Law Journal; December 10, 2021
- **Circuit Court Decision Could Make COVID-19 Lawsuits Easier**
  Healthcare Risk Management, December 1, 2021

More +

- **Navigating the Resumption of Visitation in Skilled Nursing Facilities**
  Bloomberg Law; April 14, 2021
- **Amendments to Public Health Law Require Resident Health Care Facilities to Spend 70% of Revenue on 'Direct Resident Care,' Cap Facility Profits at 5%, and Limit Executive Pay**
  HBS Health Care Blog, April 2021
- **CMS Issues 'Frequently Asked Questions' Document On Nursing Home Visitation**
  HBS Coronavirus Litigation Blog, July 2020
- **Overview Of State Regulations Related To Pandemics And Nursing Homes**
  HBS Coronavirus Litigation Blog, June 2020
- **GAO Reports To Senate On Pre-COVID-19 Infection Control Deficiencies In Nursing Homes**
  HBS Coronavirus Litigation Blog, June 2020
- **History and Use of The Hypothetical Question in Georgia**
  Georgia Defense Lawyers Association Journal, 1993

In the Press

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McKnights: Drew Graham on Confronting Antibiotic Challenges for Long-Term Care Facilities

April 22, 2025

In a recent article published by McKnight's Long-Term Care News, Partner Drew Graham, chair of Hall Booth Smith's Aging Services practice, interviewed Dr. Morgan Katz, director of antimicrobial stewardship at Johns Hopkins Bayview Medical Center in Baltimore, for her thoughts on the negative ramifications of improper use of antibiotics.

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McKnight's Long Term Care News: On PREP Act, Still Too Early to

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Tell Whether Providers Will be Immune

January 23, 2023

New York City Partner Drew Graham, Aging Services Practice Area founder at Hall Booth Smith, and Tara Clayton, Senior Vice President at risk management firm Marsh McLennan, recently joined McKnight's Long Term Care News senior editor Kimberly Marselas to discuss the Public Readiness and Emergency Preparedness (PREP) Act and COVID-19 lawsuits. Graham says it is

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Medscape: Drew Graham on COVID Liability Claims Involving Post-Acute Care

November 1, 2022

In a MedScape story about a proliferation of new lawsuits resulting from care provided

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or delayed during the COVID-19 pandemic, Drew Graham, partner and leader of the Aging Services Practice Area at Hall Booth Smith, told the publication most of the COVID liability claims he has seen involve post-acute care, such as nursing homes and

Read Full Article

McKnight's Long-Term Care News: Drew Graham on Supreme Court's Decision to Review PREP Act COVID-19 Liability Cases

September 12, 2022

The U.S. Supreme Court may finally determine whether COVID-19 liability cases related to the Public Readiness and Emergency Preparedness (PREP) Act belong in state or federal court. While states can currently consider cases based on federal law, Glenhaven Healthcare is

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seeking petition from the court to hear its COVID-19 litigation case exclusively in federal court

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Hall Booth Smith Expands New York City Office with Addition of Four Attorneys

August 26, 2022

New York, NY – Hall Booth Smith, P.C. (HBS) has added four attorneys to its New York City office as the firm expands to serve its clients in the state of New York. Warren S. Koster is a Partner in our New York City office. He comes to HBS with extensive experience in a wide variety of insurance

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McKnight's Long-Term Care News: Drew Graham

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on Nursing Home “Win” from SCOTUS Case

May 3, 2022

The Supreme Court of the United States on Monday said it will review a ruling that revived an injury lawsuit against a state-owned nursing home. The case has wide-reaching implications for providers. It could add a new right for private lawsuits of action as a component of the federal Nursing Home Reform Act (NHRA) depending

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McKnight’s Newsmakers Podcast: Drew Graham on Unraveling PREP Act Immunity

May 3, 2022

Nursing home providers seeking protection from lawsuits and financial liability related to the care

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they've provided during the pandemic are largely dependent on the federal PREP Act, especially now that many state shield laws are expiring. But a series of legal challenges has led to a back-and-forth on the act's ability to shield operators from all

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McKnight's Long-Term Care News: Drew Graham on Fed Spotlight Detracting from Patient Focus

April 27, 2022

An effort to improve transparency into nursing home ownership took a major leap forward when federal officials posted previously non-public data April 20, but providers and legal experts cautioned that early findings should not be viewed in a vacuum. The Centers for Medicare & Medicaid Services' decision to post the data marked the first time

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McKnight's Newsmakers Podcast: Drew Graham on CMS Consideration for Nursing Home Minimum Staffing Rule Study

April 12, 2022

The Centers for Medicare & Medicaid Services is launching an ambitious study in support of the first minimum staffing rule for nursing homes. If you think you know how they will set their targets and all the reasons they will matter to providers, think again. Drew Graham, partner and head of the Long-Term Care Practice

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Smith Adds Stewart G. Milch as Of Counsel in New York City Office

January 6, 2022

NEW YORK, NY – January 6, 2022 – Hall Booth Smith, P.C. is pleased to welcome experienced attorney Stewart G. Milch as Of Counsel to its growing office in New York City. For almost 30 years Stewart has concentrated his practice on appeals to safeguard hard-fought victories and overturn unfavorable outcomes in lower courts. He

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Healthcare Risk Management: Drew Graham on How Circuit Court Decision May

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Increase COVID Lawsuits

December 16, 2021

In an article in Healthcare Risk Management, Drew Graham, Partner and leader of the Aging Services practice, explains how a decision from the 3rd Circuit U.S. Court of Appeals holding that nursing homes were not protected by the 2005 Public Readiness and Emergency Preparedness (PREP) Act in the way they thought, may result in long-term

Read Full Article

New York Law Journal: Graham & Tomlinson on Potential PREP Act Circuit Court Review

December 13, 2021

In a New York Law Journal article evaluating the application of the Public

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Readiness and Emergency Preparedness Act (PREP) to claims of health care provider liability related to medical countermeasures against the COVID-19 pandemic, Drew Graham and Teresa Pike Tomlinson, Partners at Hall Booth Smith, explain why the PREP Act may finally get the review

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Law.com: Drew Graham on How Future COVID-19 Cases Against Providers Will Be Handled

November 2, 2021

In an article published by Law.com on November 2, 2021, Drew Graham, Hall Booth Smith Partner and Leader of the firm's Aging Services and Long-Term Care practices, discusses the recent ruling by the 3rd U.S. Circuit Court of Appeals against two nursing homes, and the case's impact on how future COVID-19 cases brought against all

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Modern Healthcare: Drew Graham on Impact of 3rd Circuit Ruling on Future PREP Act Coverage

October 26, 2021

In an article published by Modern Healthcare on October 25, 2021, Drew Graham, Hall Booth Smith Partner and Leader of the firm's Aging Services and Long-Term Care practices, discusses the recent ruling by the 3rd U.S. Circuit Court of Appeals against two nursing homes, and the case's impact on how future COVID-19 cases brought against

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McKnight's Long-Term Care News: Drew Graham

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on Consequences of Third Circuit Decision Regarding NJ Nursing Homes

October 22, 2021

In an article published in McKnights Long-Term Care News on October 22, 2021, Drew Graham, Hall Booth Smith Partner and Leader of the firm's Aging Services and Long-Term Care practices, is extensively quoted discussing this week's U.S. Court of Appeals for the Third Circuit decision that two New Jersey nursing homes could be sued in

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Bloomberg Law: Graham & Walker Discuss Implications

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of CMS' New Guidance on Nursing Home Visitation

April 15, 2021

In an article published in Bloomberg Law on April 14, 2021, Partner Drew Graham and Associate Danielle Walker discuss the implications of the Centers for Medicare & Medicaid Services' (CMS) new guidance on nursing home visitation. Throughout the COVID-19 pandemic, CMS has recognized the toll the pandemic has taken on nursing home residents, from infection

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Amendments to Public Health Law Require Resident Health Care Facilities to Spend 70% of

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Revenue on “Direct Resident Care,” Cap Facility Profits at 5%, and Limit Executive Pay

April 8, 2021

Written by: T. Andrew Graham, Esq., Anthony Venditto, Esq., and Evan O’Hara, Esq. In February of 2021, Governor Andrew Cuomo announced that, as part of his effort to enact sweeping nursing home reform legislation, he would not sign a budget for the 2022 fiscal year into law unless it included legislation requiring nursing home facilities

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Hall Booth Smith adds DeZago as Of Counsel in

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New York City Office

March 18, 2021

NEW YORK, NY – March 18, 2021 – Hall Booth Smith, P.C. (HBS) is pleased to announce the addition of Daniele DeZago as Of Counsel to its growing office in New York City, as the firm expands its medical malpractice team. Daniele concentrates her practice on medical malpractice defense and insurance coverage disputes. Specifically, she

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Hall Booth Smith Adds Three New Partners in New York City Office

October 6, 2020

NEW YORK, NY – October 6, 2020 – Hall Booth Smith, P.C. is pleased to welcome three experienced partners to its growing office in New York City as the firm expands its medical malpractice team.

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Anthony “Tony” Venditto is a Partner with three decades of experience in the courtroom. He has defended numerous hospitals, nursing

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CMS Issues ‘Frequently Asked Questions’ Document On Nursing Home Visitation

July 1, 2020

Written by: Drew Graham, Esq. and Laura Hall Cartner, Esq. On June 24, 2020, the Centers for Medicare & Medicaid Services (“CMS”) issued an updated set of Frequently Asked Questions (“FAQs”) regarding nursing homes and safe visitation to residents. While explicitly encouraging nursing homes to work with state and local authorities to maintain safety, CMS

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OVERVIEW OF STATE REGULATIONS RELATED TO PANDEMICS AND NURSING HOMES

June 24, 2020

Written by: Drew Graham, Esq. In May 2020, JAMDA (the official journal of the Society for Post-Acute and Long-Term Care Medicine) published a summary about the variability in state regulations regarding infection control and pandemic response in US nursing homes. The study reviewed existing regulations for all fifty states and the District of Columbia, focusing

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GAO Reports To Senate On Pre-COVID-19 Infection

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Control Deficiencies In Nursing Homes

June 15, 2020

Written by: John E. Hall, Jr., Esq. and Drew Graham, Esq. In spring 2020, Senator Ron Wyden (D-OR) asked the Government Accounting Office ("GAO") to analyze the Centers for Medicare & Medicaid Services' ("CMS") oversight of infection control in nursing homes. On May 20, 2020, GAO issued the first of several responsive reports, focusing on

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CMS PROVIDES GUIDANCE ON REOPENING NURSING HOMES

May 21, 2020

Written by: Drew Graham, Esq. Most nursing homes have been functioning at the highest level of vigilance for

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several weeks, restricting visitation, entry of non-essential healthcare personnel, and residents' group activities. On May 18, 2020, the Centers for Medicare and Medicaid Services ("CMS") offered its first recommendations for reopening nursing homes in the wake of

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The Department of Health and Human Services Issues Declaration under the Public Readiness and Emergency Preparedness ("PREP Act")

March 18, 2020

Written by: Christopher Eads, Esq. The Department of Health and Human Services ("HHS") recently issued a

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declaration under the Public Readiness and Emergency Preparedness (“PREP Act”) Act to provide immunity to liability for activities related to medical countermeasures against the coronavirus(COVID-19). The declaration is effective retroactively to February 4, 2020. Executive Summary Under the declaration,

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Hall Booth Smith Expands Beyond Southeast With New Jersey Offices, Adds Retired Judge Reddin as Partner

February 27, 2019

SADDLE BROOK, N.J. – Hall Booth Smith, P.C. is opening a new office in New Jersey as the Atlanta-based litigation firm expands beyond the Southeast for the first time to serve clients in New Jersey & New York. The firm is also pleased to announce that recently retired New Jersey

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Superior Court Judge
Raymond Reddin

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Hall Booth Smith is Pleased to Announce Madeline Mitchell as a New Associate in the Brunswick Office

December 4, 2013

Hall Booth Smith (HBS) is pleased to announce and welcome Madeline Mitchell as an Associate in Brunswick Office. Mitchell will be focusing on the Long Term Care and Senior Housing Industry practice for the clients in this area. She will be joining a team of 16 attorneys with a concentration in Long Term Care and

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HBS Hosts 7th Annual Pig Roast to Support Atlanta Community Food Bank

February 1, 2013

Hall Booth Smith, P.C. (HBS) hosted its 7th Annual Pig Roast to benefit the Atlanta Community Food Bank on January 29th at the Georgia Railroad Freight Depot in Atlanta. Over 700 guests, including many state and local leaders, gathered to support the Atlanta Community Food Bank as they enjoyed outstanding food, entertaining music, and excellent fellowship.

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HBS Supports Atlanta Community Food Bank with 6th

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Annual Pig Roast

January 27, 2012

Hall Booth Smith, P.C. (HBS) hosted its 6th Annual Pig Roast to benefit the Atlanta Community Food Bank. The event was held on January 24th at the Georgia Railroad Freight Depot in Atlanta. Over 600 distinguished guests gathered to support the Atlanta Community Food Bank while enjoying outstanding food and excellent fellowship. The Pig Roast, first

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HBS Hosted Webinar on Health Care Reform

March 29, 2010

On March 30th, 2010, HBS hosted a webinar in conjunction with GHCA. Attorneys Trey Reese and Drew Graham spoke during the event on The Impact of Health Care Reform for Skilled Nursing Facilities. The webinar ran at two times that

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day, 10 a.m. and 2 p.m. For more information about this webinar or other events, please email Trina Bazarte

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