

# DREW GRAHAM



366 Madison Ave 5th Floor New York, NY 10017  
dgraham@hallboothsmith.com

Partner

2012217012

## Practice Areas

[Aging Services](#) | [Batch Claims & Class Actions](#) | [Coronavirus Task Force](#) | [Dental](#) | [Health Care](#) | [Medical Malpractice](#) | [National Trial Counsel Team](#) | [Outside General Counsel](#) | [Telehealth Specialty Team](#)

- [Biography](#)
- [Credentials](#)
- [Publications](#)
- [Memberships](#)
- [Recognitions](#)
- [Presentations](#)
- [Activities](#)
- [In The News](#)

Drew Graham started his practice with Hall Booth Smith, P.C. in 1992, developing expertise in traditional medical and professional negligence. In 1996, Mr. Graham created the firm's Long Term Care Practice Group in response to industry demand for specialist attorneys in the evolving area of long term care litigation. As chair of the LTC Practice Group, Mr. Graham is committed to making it the go-to resource for healthcare providers facing the challenges of a complex and

highly regulated specialty. The group has grown to include over 20 attorneys, each with an in-depth appreciation of the industry.

Mr. Graham 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. Mr. Graham is actively involved in numerous professional organizations and is a frequent speaker at industry and legal meetings. He is peer rated AV by Martindale Hubbell. He lives in New York with his wife and daughters.

## ADMITTED

- Georgia
- New Jersey
- New York
- Tennessee

## EDUCATION

- J.D., Walter F. George School of Law Mercer University, 1992
- Graduate Program, Mercer University, 1987
- B.A., Mercer University, 1986

## PUBLICATIONS

- [“How \(to This Point\) Has PREP Act Application Gone So Wrong?”](#) co-authored with Teresa Pike Tomlinson, The New York Law Journal, December 10, 2021.
- [“Navigating the Resumption of Visitation in Skilled Nursing Facilities,”](#) co-authored with Danielle Walker, 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,”](#) Co-authored with John E. Hall Jr., HBS Coronavirus Litigation Blog, June 2020
- “History and Use of The Hypothetical Question in Georgia,” *Georgia Defense Lawyers Association Journal*, 1993.

## MEMBERSHIPS

- Atlanta Bar Association
- Defense Research Institute

## Recognitions

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

## Presentations

- *Covid-19 Professional Liability Legal Update*, Hall Booth Smith, P.C. Webinar, November 2020
- *A Lawsuit Tsunami? Where COVID Liability Starts and Ends*, LTC-100 Leadership Conference, Webinar, November 2020
- *Change and Challenge: Five Trends Impacting Senior Housing Litigation in 2020*, MedPro Senior Care Symposium, Webinar, October 2020
- *COVID-19 Related Claims*, Captive Insurance Council Of The District Of Columbia, Inc. Annual Conference, Webinar, October 2020
- *Key FTAGs for the Defense*, Pendulum & HBS Regulatory Update, Webinar, October 2020
- *National COVID Defense Counsel Roundtable Discussion, Moderator*, Webinar, October 2020
- *Enterprise Risk Management for Senior Care*, Crittenden Virtual Medical Insurance Conference 2020, Panelist, Webinar, September 2020
- *What Every Long-Term Care Attorney Needs to Know 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*, Webinar Panelist, August 2020
- *Current State of COVID-19*, American Legal Connection, Webinar, August 2020
- *2020 DRI Nursing Home Seminar*, June 2020
- *Litigation Against Nursing Homes/ALFs Following the COVID-19 Pandemic: Three Things to Do Now to Prepare*, DRI Webinar, May 2020
- *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, Moderator, 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, Moderator, 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, Panelist, 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!*, 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
- *Opioids and Other Trends: What Frontiers Are to Come?*, Society for Health Care Risk Management of New Jersey, Panel with John E. Hall and Daniel Crumby, 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, 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
- *Notice Act – Arbitration and New Regulations Affecting Senior Living*, co-presented with John E. Hall, Jr., December 2016
- *New Regulations*, 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, co-presented with John E. Hall, 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

## ACTIVITIES

---

- Atlanta Community Food Bank
- Atlanta’s Table

### **“Circuit Court Decision Could Make COVID-19 Lawsuits Easier,” Healthcare Risk Management**

December 16, 2021

In an article in Healthcare Risk Management, Drew Graham, a Partner and leader of Hall Booth Smith’s Aging Services Practice, explains how a decision from

### **“How (to This Point) Has PREP Act Application Gone So Wrong?” New York Law Journal**

December 13, 2021

In a New York Law Journal article evaluating the application of the Public Readiness and Emergency Preparedness Act (PREP) to claims of healthcare provider liability

### **“Legal Fight Over Nursing Home Liability for COVID-19 Deaths Heats Up in Appellate Courts,” Law.com**

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

## **“Federal Court Rules Against Nursing Homes in COVID-19 Cases,” Modern Healthcare**

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

## **Partner Drew Graham Quoted in an Article by McKnights Long-Term Care News Regarding a Recent Third Circuit Decision**

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

## **Partner Drew Graham and Attorney Danielle Walker published on Bloomberg Law**

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

[Load more](#)

## Practice Specific Experience

[Aging Services +](#)

[Health Care +](#)