

# HALL BOOTH SMITH, P.C.



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Partner

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## 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 20 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](#)

[Batch Claims & Class Actions](#)

[Dental](#)

[Health Care](#)

[Medical Malpractice](#)

## Strategic Teams

[Coronavirus](#)

[National Trial Counsel](#)

[Outside General Counsel](#)

[Telehealth](#)

## Experience

### Aging Services

Drew has tried more than 40 health care cases to resolution and has appeared in numerous arbitrations and regulatory hearings. He 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.

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### 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, 2023
- [Georgia Super Lawyer](#), Super Lawyers®, 2004

## Presentations

- **Ripping Up the Old Playbook: Re-thinking Litigation Guidelines for 2024**  
Crittenden Medical Liability Conference; April 8, 2024
- **Risk Mitigation**

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Georgia Senior Living Association, 2023 Conference & Trade Show; October 24, 2023

- **Large settlement analysis: A new normal in evaluating settlement values**

Crittenden Medical Liability Conference; April 12, 2023

- **Assisted Living and Senior Housing Legislative and Regulatory Update**

American Health Law Association, Long Term and Post-Acute Care Law and Compliance Conference, March 2023

More +

- **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

- **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

- **Enterprise Risk Management for Senior Care**

Crittenden Virtual Medical Insurance Conference, 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, August 2020

- **Current State of COVID-19**

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American Legal Connection, 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, 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**

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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?**

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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,  
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 County 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

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- **Notice Act - Arbitration and New Regulations Affecting Senior Living**  
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, 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



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- **The Intersection of Regulatory and Personal Injury Litigation - Practical Considerations**

American Health Lawyers Association's Long Term Care and the Law Program, February 2015

## Publications

- **How (to This Point) Has PREP Act Application Gone So Wrong?**

The New York Law Journal; December 10, 2021

- **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

More +

- **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

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

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## **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

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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 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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