

Long Term Care and Seniors Housing Law Update

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Department of Justice Launches 10 Regional Elder Justice Task Forces

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On March 30, the Department of Justice (DOJ) announced the launch of 10 regional Elder Justice Task Forces, including one in Washington state, for the purpose of coordinating and enhancing efforts to pursue nursing homes “that provide grossly substandard care to their residents.” The Elder Justice Task Forces will include representatives from the U.S. Attorneys’ Offices, state Medicaid Fraud Control Units, state and local prosecutors’ offices, the Department of Health and Human Services, state Adult Protective Service agencies, Long Term Care Ombudsman programs and law enforcement.

The Task Forces will be launched in the Western District of Washington, Northern District of California, Northern District of Georgia, District of Kansas, Western District of Kentucky, Northern District of Iowa, District of Maryland, Southern District of Ohio, Eastern District of Pennsylvania and the Middle District of Tennessee. The DOJ announced that its coordinated effort is intended to hold “bad actors in the nursing home and long-term care industry accountable for their treatment of the elderly.” View the [DOJ’s announcement](#).

The DOJ has stated that it may also investigate allegations against other long term care providers, such as assisted living providers, which fall within the Task Forces’ region or jurisdiction. American Health Care Association (AHCA) President and CEO Mark Parkinson characterized the national effort as “a smokescreen aimed at finding cost-cutting measures that would threaten life-improving post-acute and LTC services for millions of seniors.” Although AHCA supports efforts to improve care and “weed out bad actors,” he said, “today’s announcement mistakenly conveys that quality is on the decline.”

Lane Powell’s Long Term Care and Seniors Housing Team is monitoring the situation and is prepared to assist clients that face investigation by a regional Elder Task Force. We are particularly well-poised to handle such matters with the addition of [Harold Malkin](#) to our team. Malkin will also serve as Chair of the Firm’s Investigations and Regulatory Compliance Team and joins us with more than 22 years of experience working in the DOJ, most recently as the Deputy Civil Chief and Chief of the Affirmative Civil Enforcement Unit of the U.S. Attorney’s Office in Seattle. Malkin previously led and successfully resolved numerous multi-million dollar civil and parallel civil/criminal investigations of health care fraud under the False Claims Act and its *qui tam* (whistleblower) provisions. Malkin and the rest of the Lane Powell team will continue to partner with AHCA and other regional trade groups, such as the Washington and Oregon Health Care Associations, to best represent the long term care community, which on a daily basis provides quality care to seniors in our communities.

For more information, please contact the Long Term Care and Seniors Housing Practice Group at Lane Powell: lanepowellpc@lanepowell.com

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