

Nursing Home Defense Strategies

Webinar
06.17.2021

Thursday, June 17, 2021

1:00 p.m. - 2:30 p.m. ET

10:00 a.m. - 11:30 a.m. PT

This CLE webinar will review nursing home litigation defense strategies to counter the plaintiff's theories for frequently alleged injuries, such as pressure sores, falls, malnourishment, medication errors, neglect, or infection. The program will help counsel anticipate and curb plaintiffs' discovery and deposition strategies, mount defenses to liability, and navigate around the plaintiff's attacks on unavailability, comorbidities, third-party fault, and failure to thrive. The program will also address when and how to invoke the Public Readiness and Emergency Preparedness (PREP) Act.

About:

Litigation is inevitable for almost all long-term care facilities. Defense counsel must anticipate plaintiff strategies that often revolve around nursing homes and medical professionals' noncompliance with complex and elaborate regulations, internal procedures, or best practices.

Defense counsel must prepare to address broad discovery requests and scores of deposition notices as plaintiffs seek gaps or inconsistencies in medical records, care plans, and nurses' notes. A facility's best defense may be a strong documentary record.

Nursing home counsel should understand PREP Act and other defenses for cases related to or arising from the COVID-19 pandemic.

Listen as our authoritative panel of practitioners provides an overview of nursing home laws and regulations, discusses common types of injuries, and covers how to handle medical records and other discovery issues unique to these cases.

Outline:

1. Relevant laws, regulations, surveys
2. Pleading and affidavit requirements
3. Common types of injuries
4. Common defenses and plaintiff strategies

1. Demonstrating compliance with regulations
2. Unavoidability
3. Comorbidities
4. Third-party fault
5. The role of survey data
5. Independent actor vs. enterprise negligence
6. PREP Act

Benefits:

The panel will review these and other crucial issues:

- Can a case be won or lost at a deposition?
- Are the burdens of proof different under some statutory schemes than regular negligence?
- How does counsel show the defendants provided all reasonable care?
- What is the effect of state laws and PREP Act on defense strategies?

Ken Yood, Partner and Member, Healthcare Team at Sheppard Mullin will serve as a co-panelist.

Mr. Yood represents a wide range of healthcare providers and healthcare companies, including specialty and general acute hospitals (including local district, nonprofit and for-profit facilities), home health agencies, specialty pharmacy and infusion centers, pharmaceutical vendors, nursing facilities, and health information and management providers.

[Click here for more information, including CLE credits by state and registration. \(Early Registration Discount Deadline, Friday, May 28, 2021\)](#)

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