

NEWS & INSIGHTS

BRANDON ESSIG QUOTED IN ARTICLES ABOUT POST-PANDEMIC ENFORCEMENT AND LAWSUITS FOR HEALTHCARE PROVIDERS

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Lightfoot, Franklin & White LLC partner **Brandon K. Essig** is featured in two recent stories from *McKnight's Long-Term Care News*, the preeminent national magazine for long-term caregiving professionals, especially those in skilled nursing.

The **first article** explores the potential increase in enforcement efforts in the aftermath of the coronavirus pandemic. He said long-term healthcare providers should expect federal authorities to “step up” enforcement efforts, including the Department of Justice’s new National Nursing Home Initiative.

“The two most recent examples are the financial crisis of 2008 and then the BP oil spill in 2010,” Essig told *McKnight's*. “Both of those resulted in a multitude of significant [Department of Justice] enforcement actions, criminally and civilly. The coronavirus will be no different and federal prosecutors will be eager to quickly demonstrate to the public that they are responding.”

The DOJ’s National Nursing Home Initiative, announced in March 2020, targets the nation’s “worst nursing homes,” particularly when it comes to the quality of care.

The **second article** discusses how long-term care providers won’t be immune from potential federal investigations that arise from bad outcomes during the coronavirus pandemic, even though several states have agreed to protect them from future coronavirus-related civil lawsuits.

“[Immunity] may make federal claims based on the concept of medical necessity more difficult, but a state conferral of immunity is not a protection from any [Department of Justice] investigation or an investigation by another federal agency,” said Essig.

Essig focuses his practice on white-collar criminal defense, corporate investigations, NCAA compliance and investigations, and general litigation. He joined Lightfoot after nearly eight years as a federal prosecutor for the Department of Justice in the Middle District of Alabama where he tried multiple felony jury trials each year. Prior to his time at the DOJ, Essig was a Captain in the U.S. Marine Corps where he worked as a prosecutor and deployed with an infantry unit to Fallujah, Iraq.