

**Robin Dale**

Shareholder  
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**Areas of Practice**

Robin Dale has an active regulatory practice representing nursing homes, assisted living facilities, senior housing providers and home health agencies. Robin assists clients in resolving and avoiding licensing disputes, reimbursement and overpayment disputes, and audit disputes with state and federal health care programs. He also advises clients on a variety of regulatory issues including False Claims Act and civil penalty laws, federal self disclosure protocols, compliance programs, fraud and abuse investigations, licensing and certification, federal anti-kickback safe harbors, and certificate of need. Robin is certified in health care compliance with the Health Care Compliance Association. In addition, he speaks on federal Fair Housing Act compliance on a national level. From 1992 to 2002 Robin served as an assistant attorney general for the state of Washington, focusing his practice of regulatory matters, particularly Medicaid reimbursement and nursing home licensing.

**Professional Experience**

Assistant Attorney General, Office of the Attorney General for the State of Washington (1992-2002)

**Admitted to Practice**

Washington  
U.S. District Court, Western District of Washington  
U.S. District Court, Eastern District of Washington  
Ninth Circuit Court of Appeals  
Idaho  
Oregon

**Academics**

University of Puget Sound School of Law (J.D., *cum laude*, 1992)  
University of Texas (B.A., 1980)

**Practice Group and Specialty Team Memberships**

Long Term Care and Seniors Housing Client Service Team  
Business  
Government  
Health Care  
Litigation

**Representative Matters and Clients**

*Marshall v. Washington State Dept. of Labor and Industries*, 89 F. Supp. 2d 4 (D.D.C. 2000)  
(whether District of Columbia’s long-arm statute was satisfied under the “minimum contacts” standard for establishing personal jurisdiction)

*Casey v. Lower Columbia College*, 92 Wn. 2d 1019 (Div. II, 1998) (unpublished) (question of whether superior court properly granted remittitur)

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*Seatoma Convalescent Center v. Department of Social and Health Services*, 82 Wn. App. 495 (Div. II, 1996) (question of the meaning of an obscure phrase in the nursing home reimbursement statute) (potential economic impact to the state — \$60 million)

*Evangelical Lutheran v. Department of Social and Health Services*, 82 Wn. App. 1037 (Div. II, 1996) (unpublished) (question of whether nursing homes would be reimbursed for cost of providing therapy services outside of the reimbursement scheme) (potential economic impact to the state — \$120 million)

*Care Services v. Department of Social and Health Services*, 80 Wn. App. 1002 (Div. II, 1995) (unpublished) (question of whether the Department was estopped from calculating rates using facility's historical cost of construction) (potential economic impact to the state — \$2 million)

*Crista v. Department of Social and Health Services*, 77 Wn. App. 398 (Div. I, 1995) (question of whether nursing home rates could be calculated using a reimbursement scheme invented by the nursing home industry) (potential economic impact to the state — \$25 million)

### **Publications**

“Proliferating Scooters Bring Mobility — and Headaches,” *Puget Sound Business Journal*, Quoted (September 9, 2011)

“Avoiding Marketing Pitfalls That Could Bring Litigation to Your Doorstep,” *In-House Defense Quarterly*, Co-author (Winter 2010)

“Landlord Can't Exclude Folks Who Need a Little Help,” *Puget Sound Business Journal* (May 2007)

“How Seemingly Reasonable Precautions Sparked Decades of Litigation Over the Use of Side Rails,” *American Health Lawyers Bulletin on Long Term Care and the Law* (2005)

“Skilled Nursing Facility Consolidated Billing: Services Furnished Under an Arrangement With an Outside Entity,” *Lane Powell Long Term Care Practice Bulletin* (2004)

### **Speaking Engagements**

“Criminal Background Checks and Mandatory Reporting Requirements for Nursing Home and Assisted Living Employees,” Washington Health Care Association Annual Convention (May 24, 2011)

“The Fair Housing Act, ADA Reasonable Accommodation, and Assisted Living and Senior Housing,” American Health Lawyers Association's Long Term Care and the Law Seminar (February 21, 2011)

“Health Care Reform,” Moss Adams Long Term Care Provider Conference (November 16, 2010)

“Regulatory Concerns for Affordable Housing Providers,” Aging Services of Washington Leadership Conference (November 8, 2010)

“Fair Housing Challenges Across the Continuum of Care,” American Association of Homes and Services for the Aging Annual Meeting & Exposition (November 1, 2010)

“A Plus Training,” Washington Health Care Association (October 19, 2010)

“Health Care Reform Update,” Washington Health Care Association Fall Conference (September 14, 2010)

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“Accountable Care Organizations After Healthcare Reform,” Webinar (July 7, 2010)

“What Long Term Care Providers Need to Know About Health Care Reform, Right Now!”  
Washington Health Care Association Convention (May 17-20, 2010)

“Pet Policies, Fair Housing Act and Americans With Disabilities Act,” Aging Services of Washington  
Assisted Living Forum (April 20, 2010)

“Red Flag Rules,” Washington Health Care Association, King County Chapter (April 13, 2010)

“Legal/Regulatory Update,” Washington Health Care Association Owner’s Conference  
(April 8, 2010)

“Fair Housing Challenges in Assisted Living and Independent Living Providers,” American Health  
Lawyers Association, Long Term Care and the Law Program (February 17, 2010)

“Residency Rights Revisited — Assisted Living Focus,” Washington Health Care Association  
Webinar (February 5, 2010)

“Fair Housing Across the Continuum,” American Association of Homes and Services for the Aging  
Annual Meeting and Expo (November 10, 2009)

“The Legal and Regulatory Framework for Health Care Decision Making and Advance Directives in  
Washington,” Seattle-based CCRC Presentation (September 30, 2009)

“Take Away Tools for Retirement Communities — Are Your Pet and Motorized Vehicle Policies  
Really Compliant With the ADA and the FHA?” Aging Services of Washington Webinar  
(September 29, 2009)

“Death With Dignity Disclosure and Documentation,” Washington Health Care Association Fall  
Conference (September 16, 2009)

“Time for Your Assisted Living Admission Agreement Check-Up,” Washington Health Care  
Association Fall Conference (September 15, 2009)

“Legal Issues and Challenges: Update,” Washington Health Care Association Owners Conference  
(July 10, 2009)

“Washington Death with Dignity Act,” Washington Health Care Association Annual Convention  
(May 5, 2009)

“Are Your Marketing Materials Compliant?” Washington Health Care Association Annual  
Convention (May 5, 2009)

“Informal Dispute Resolution and Resident Rights,” A Plus Program Administrator Training,  
Washington Health Care Association (April 14, 2009)

“Access to Housing for People With Disabilities ... Assistance Animals,” Seattle-based CCRC  
Presentation (March 31, 2009)

“Admission, Disclosure and Transfer Discharge,” Aging Services of Washington Audio Conference  
(March 12, 2009)

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“Fair Housing Challenges for Senior Housing Providers,” American Health Lawyers Association Long Term Care and the Law Conference (February 26, 2009)

“Arbitration Agreements,” Oregon Health Care Association (December 12, 2008)

“Fair Housing Act Update,” Aging Services of Washington (November 20, 2008)

“Plans of Correction and Informal Dispute Resolution,” Washington Health Care Association Survey Boot Camp (November 18, 2008)

“Marketing Your Assisted Living Community: Avoiding Risky Pitfalls,” Lane Powell and the Washington Center for Assisted Living Annual Convention Webinar (November 6, 2008)

“Marketing Pitfalls,” Idaho Health Care Association Fall Workshop (October 24, 2008)

Washington Health Care Association A Plus Training (October 17, 2008)

“Fraud, Abuse, Anti-Kickback, and Stark: A Compliance Update,” Washington Health Care Association Fall Conference (September 24, 2008)

“The Fair Housing Act: Trends Affecting Providers,” Oregon Health Care Association Webinar (August 13, 2008)

“Legal Trends Affecting Assisted Living Providers,” Washington Health Care Association Assisted Living Summit (July 16, 2008)

“Fair Housing Act,” American Healthcare Association Webinar (May 15, 2008)

“The Last Fair Housing Act Presentation You Will Ever Need,” Woodmark Management Team (April 23, 2008)

“Fair Housing Act,” American Health Lawyers Association Long Term Care and the Law Conference (February 29, 2008)

“Risk Management 101,” Oregon Health Care Association (December 18, 2007)

“Informal Dispute Resolution and Resident Rights,” Washington Health Care Association (October 18, 2007; April 23, 2007)

“The 2007-2008 F-Tags Release — Are You Ready for the New Guidance?” Washington Health Care Association Fall Conference (September 17, 2007)

“Facility License vs. Nursing Home Administrator License,” Board of Directors for Josephine Sunset Homes (August 28, 2007)

“Risk Management,” Washington Health Care Association Long Term Care and Senior Housing Litigation Issues Seminar (August 23, 2007)

“What’s Tipping the Scales ... of Justice,” Washington Health Care Association 2007 Convention and Exhibition (May 23, 2007)

“Discharging Disruptive Residents and Other Legal Issues,” Idaho Health Care Association Spring Workshop (April 27, 2007)

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- “Emergency Preparedness,” Oregon Health Care Association (February 8, 2007)
- “Discharging Disruptive Residents and Other Legal Issues,” Idaho Health Care Association Fall Conference (October 20, 2006)
- “Plans of Care and Resident Rights,” Washington Health Care Association A Plus Program Administrator Training (October 10, 2006)
- “Arbitration Agreements,” Washington Health Care Association Fall Conference (September 19, 2006)
- “Legal Consideration of Aging In Place,” American Health Lawyers Association Annual Meeting and Conference (August 17, 2006)
- “Plans of Correction and Informal Dispute Resolution,” Washington Health Care Association (August 16-17, 2006; May 18, 2006; October 21, 2005; May 19, 2005)
- “LTC Regulatory and Legislative Issues Update,” Washington Health Care Association Chapter Meeting (July 18, 2006)
- “Use of Arbitration Agreements in the Long Term Care Setting,” Washington Association of Housing and Services for the Aging Annual Convention (June 5, 2006)
- “The Last Fair Housing Act Presentation You Will Ever Need,” Washington Health Care Association and the Washington Center for Assisted Living Annual Convention (May 6, 2006)
- “The Fair Housing Act and Senior Housing,” Washington Association of Housing and Services for the Aging Assisted Living Committee Meeting (January 10, 2006)
- “When the Police Come to Your Office With a Search Warrant: A Game Plan to Manage a Disruptive Situation,” King County Prosecutor’s Investigatory Program (December 12, 2005)

**Professional and Community Activities**

- Member, American Health Lawyers Association (2003-Present)
- Member, Health Care Compliance Association (2010-Present)
- Member, Diversity Committee, Washington State Bar Association (2003-2005)
- Member, Bar Committee, Opportunities for Minorities in the Legal Profession(1996-1998)