

## Mary H. Rose

Los Angeles, California  
Shareholder

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### **Areas of Practice & Industry Specialties**

Insolvency & Financial Law Group; Health Care Law; Commercial Finance; Corporate Law; Real Estate



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Mary H. Rose is a Shareholder in both the firm's Insolvency and Financial Solutions Group and the Health Care Group. In addition to healthcare and business transactions, she has extensive experience in bankruptcy, insolvency, lending and creditors' rights matters.

In the healthcare area, Ms. Rose represents hospitals and lenders to hospitals and other healthcare businesses. She has handled a broad variety of healthcare transactions, including hospital acquisitions, loans and debt restructurings, factoring of healthcare receivables, and general corporate and real estate matters.

Ms. Rose's bankruptcy and insolvency experience, spanning a variety of industries, includes representation of asset purchasers, lenders, creditors' committees, individual creditors, and debtors in bankruptcy and reorganization cases, out-of-court debt restructurings and liquidations. She also represents both lenders and borrowers in secured and unsecured credit facilities, loans and debt restructurings, secured transactions, and accounts receivable factoring transactions.

Ms. Rose has also been recognized in the *Best Lawyers in America*, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law and Health Care Law, for 2023 & 2024.

### **Representative Matters**

#### Hospital Bankruptcies

- Acquisition of free-standing facilities and multi-state groups of long term acute care hospitals (LTACH's), short term acute care hospitals (STACH's), and skilled nursing facilities (SNF's) in Chapter 11 cases in California and Delaware.
- Representation of stalking horse bidders and overbidders for short term and long term acute care hospitals, skilled nursing facilities and outpatient facilities in Chapter 11 cases in California, Arizona and Texas.
- Representation of providers of debtor-in-possession financing to hospitals in multiple Chapter 11 cases.
- Representation of secured creditor in adversary proceeding against HHS regarding Medicare cost report setoffs.

#### Hospital Acquisitions

- Acquisition of downtown Los Angeles hospital involved in skid row Medicare and Medi-Cal fraud scheme in violation of the False Claims Act.
- Acquisition of two financially troubled St. Louis hospitals.
- Acquisition of Los Angeles and San Diego hospitals and conversion to long-term acute care hospitals.

## Healthcare Finance

- Representation of secured lenders to hospitals.
- Representation of bank lender in term loan to non-profit general acute care hospital insured by California Office of Statewide Health Planning and Development (OSHPD).
- Representation of factor in accounts receivable factoring facilities for general acute care hospitals.
- Negotiations with California Department of Health Care Services regarding Hospital Quality Assurance Fee (HQAF) and Disproportionate Share Hospital (DSH) payments.

## Real Estate Matters

- Representation of borrowers in workouts of loans secured by deeds of trust against hospital properties.
- Purchase and sale of hospital real properties.
- Negotiation of hospital and medical office building (MOB) leases.

## Publications

- UPDATE: Advice to Landlords Holding Letters of Credit Issued by Silicon Valley Bank, and Landlords Where Silicon Valley Bank is a Tenant, *Buchalter Client Alert*, March 20, 2023
- Health Care Providers Who Missed a Provider Relief Fund Report Deadline Can Now Seek an Extension Due to "Extenuating Circumstances", *Buchalter Client Alert*, April 12, 2022
- So Many Troubled California Health Care Districts, So Many Have Filed Chapter 9 – Lessons To Be Learned, *California Bankruptcy Journal*, December 2020
- California Senate Passes Bill Granting the Attorney General Authority To Review Health Care Acquisitions and Changes of Control, *Buchalter Client Alert*, July 20, 2020
- Reining in the California AG in the Sale of a Nonprofit Hospital, *American Bankruptcy Institute Journal*, October 2017
- Healthcare Finance and the Anti-Assignment Provisions of Medicare and Medi-Cal, *California Health Law News*, Winter 2016
- What the Medicare, Medicaid Anti-Assignment Provisions Really Mean, *American Bankruptcy Institute Journal*, June 2015
- Buying a Distressed Hospital Out of Bankruptcy, *Law360 Health Law, Buchalter Nemer Points & Authorities*, December 2011
- Book Review of "American Factoring Law", *American Bankruptcy Institute Journal*, October 2011

## Presentations

- Moderator , "National Healthcare West," Los Angeles, CA, June 20, 2019
- Moderator, "Life Sciences & Healthcare: The Future of These Billion Dollar Real Estate Industries," San Francisco, CA, August 29, 2018
- Speaker, "Buying a Troubled Hospital: What You Can Fix and What You Can't," California Society for Healthcare Attorneys, 2016 Fall Seminar, November 11, 2016
- Panelist, "Healthcare 101 – What You Need To Know About Restructuring in the Healthcare Industry," American Bankruptcy Institute Winter Leadership Conference, December 4, 2014

## Education

Ms. Rose earned her J.D. in 1978, and an M.B.A. in Finance in 1980, from New York University. She received her A.B. from Brown University in 1975.

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## **Bar Admissions**

- California
- New York
- New Jersey

## **Court Admissions**

- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the District of New Jersey
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit

## **Community**

- Insolvency Law Committee, California Lawyers Association
- American Bankruptcy Institute
- California Society for Healthcare Attorneys
- American Health Lawyers Association
- Financial Lawyers Conference
- Los Angeles County Bar Association
- Los Angeles Bankruptcy Forum