



## Richard D. Faulkner, Jr.

Shareholder

Chattanooga | 423.209.4210 | [rfaulkner@bakerdonelson.com](mailto:rfaulkner@bakerdonelson.com)

Richard D. Faulkner, Jr. concentrates his practice in the area of seniors housing and care, including finance, acquisitions, sales, real estate, leasing, certificates of need, and general corporate law.

Richard D. Faulkner, Jr. concentrates his practice in the area of seniors housing and care, including finance, acquisitions, sales, real estate, leasing, certificates of need, and general corporate law. He is the co-leader of the Firm's Seniors Housing and Long Term Care Industry Service Team.

Mr. Faulkner has been involved in billions of dollars of acquisition, finance, development, and sales transactions. His experience spans many areas of senior care, including skilled nursing, assisted living, independent living, home health, hospice, physical therapy, and pharmacy businesses.

His finance experience includes commercial loans, HUD-insured financing, accounts receivable, Fannie Mae, Freddie Mac, sale-lease back, equipment financing, and other financing. His acquisition and real estate experience includes assisting with feasibility and strategic planning; comprehensive facility due diligence, including title, survey, environmental, land use, and health care issues; negotiating acquisition contracts and closing documentation; construction; operations transfer agreements; distressed assets; commercial leasing; and project sales.

Mr. Faulkner has helped develop loan programs for long term care and seniors housing lenders. He also has developed comprehensive acquisition and development templates and strategies for our owner and operator clients.

Prior to joining Baker Donelson, Mr. Faulkner served as legal counsel and Vice President of Strategic Growth for Life Care Centers of America, a national privately-owned long term care provider, where he was responsible for legal matters relating to finance, acquisition, development and construction transactions, and corporate matters. In his roles at Life Care and its senior living affiliate, Century Park Associates, he supported skilled nursing, assisted living, retirement, home health, therapy and pharmacy operations.

Mr. Faulkner's experience includes representation of owners and lenders, landlords and tenants, small operators and national companies, and single site and large multi-state transactions.

### Representative Matters

- Represented the seller of a California division consisting of 10 skilled nursing facilities.

### Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Real Estate Law since 2007; Mergers and Acquisitions Law, Health Care Law, and Commercial Finance Law (2023 – 2025)
- Named the Best Lawyers® 2014 Real Estate "Lawyer of the Year" in Chattanooga
- Listed in *Mid-South Super Lawyers* (2006 – 2008, 2016 – 2022)
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Recipient – [Connect CRE 2022 Lawyers in Real Estate Award](#)
- Notes Editor – *Georgia Law Review*

- Member – Tennessee and Georgia Bar Associations (Real Property Law and Healthcare Sections)
- Member – American Health Law Association
- Licensed Title Insurance Agent – State of Tennessee
- Former Member – Health, Education and Housing Facilities Board, Town of Signal Mountain, Tennessee



## Practice Areas

- Acquisitions, sales and development
- Health care financing and receivables financing
- Structuring health care transactions and LTC companies
- Distressed health care assets
- Operations Transfer Agreements and changes of management company
- Outside general counsel to long term care and seniors housing operators
- Real estate and leasing
- Title insurance
- Certificate of Need and licensure
- Opinion letters



## Publications

- "Baker's Dozen – Tips and Insights on Partnering to Advance Women," *Women's Initiative Newsletter* (October 2021)
- "New HUD Guidance for Long Term Care Industry," Baker Donelson Alert (May 2014)
- "Tennessee Changes Corporate Practice of Medicine to Permit Nursing Facilities to Employ Physicians," *Health Law STAT* (September 2012)
- "The Government Taketh: Application of the Federal Payment Levy Program to Medicare Receivables and How Lenders Can Protect Themselves," *Bankruptcy Institute* (2009)
- "The Ten Commandments of Title Insurance for Borrower's Counsel," *Property & Probate*, American Bar Association (May/June 1998)
- "Environmental Citizens Suits: The Private Enforcement of Federal Regulations," *The Verdict* (April 1993)
- "CERCLA and the Constitution: *Reardon v. United States* Permits Constitutional Jurisdiction and Invalidates Federal Lien," 26 *Georgia Law Review* 861 (1992)



## Speaking Engagements

- "Overview of Senior Care Options," webinar (January 2023)
- Moderator – "How Will the Economy Affect Financing, Acquisition, and Construction of Seniors Housing?," 2022 Baker Donelson Long Term Care Symposium (November 2022)
- "LTC Lending Boot Camp," LTC Transactions Retreat (March 2022)
- "Women to Equity: Forward Thinking," Baker Donelson presentation (December 2021)
- "Alternatives and Solutions for Problem Seniors Housing Loans," bank presentation (October 2021)
- "Seniors Housing and Long Term Care – Overview," bank presentation (August 2021)
- "LTC Acquisitions Boot Camp," webinar (March 2021)
- "Team Building," webinar (October 2019)
- "Healthcare Due Diligence," webinar (July 2019)
- "Long Term Care Facility Acquisitions 101," webinar (February 2019)
- "Seniors Housing and Long Term Care," Sloan Program in Health Administration, School of Hotel Administration, Cornell University webinar (November 2018)
- "Seniors Housing and Long Term Care: Overview and Corporate Structure," webinar (October 2018)

- "Enhanced Credit and Risk Protection Through Effective Long Term Care Loan Documentation and Diligence," bank presentation (December 2016)
- "I Like It, I Love It, I Want Some More of It: Build or Acquire – The Working Traps of Each," Baker Donelson Long Term Care Symposium (November 2016)
- "Buying and Selling Long Term Care Facilities: Overcoming Complex Regulatory and Business Challenges," Strafford Publications (August 2015)
- "Operator Issues in a Transfer of Operating Assets," webinar (May 2015)
- "Maximizing Value and Return on Defaulted Long Term Care Loans," bank presentation (April 2015)
- "Medicare and Regulatory Liability in Long Term Care Transactions: The Buyer's Perspective," webinar (April 2015)
- "Transfers of Distressed LTC Facilities," American Health Law Association's Long Term Care and the Law Program, Las Vegas, Nevada (February 2014)
- "Financing and Acquisitions in Today's Marketplace," webinar (July 2013)
- "Frequently Encountered Issues in LTC Acquisitions," Long Term Care Symposium (November 2012)
- "Mechanics of Restructuring Ownership of Long Term Care Facilities," Long Term Care Symposium (November 2010)
- "Legal Landscape," National Medicare/Medicaid Conference (February 2008)
- "Fundamentals of HUD Loan Documents," in-house lender presentation (April 2007)
- "Acquiring Financing," Fundamentals of Real Estate Development, Sterling Education (May 2006)
- "Legal Opinions in Business Transactions," Tennessee Bar Association (May 2006)
- "Commercial Real Estate Purchase and Sale Transactions in Tennessee," Tennessee Bar Association (July 2005)



## Education

- University of Georgia School of Law, J.D., cum laude
- University of Georgia, B.A. in English, cum laude, Phi Beta Kappa