



Susan McNear Fradenburg

Partner

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Susan has more than 20 years of experience representing clients in the health care industry, with a focus on long-term care providers and hospitals. She has argued on behalf of hospitals and long-term care providers at the North Carolina Court of Appeals and the 4th Circuit Court of Appeals and has appeared in both federal and state administrative courts challenging the imposition of civil monetary penalties and other adverse regulatory actions.

COVID-19 Counsel

Susan advises and guides health care providers applying for and receiving Provider Relief Funds through the Coronavirus Aid, Relief and Economic Security Act (CARES Act). She has been on the front lines of the COVID-19 pandemic with her clients, monitoring rapidly changing federal and state health guidance and regulations and preparing testing protocols and procedures to help them respond appropriately when a patient or staff member contracts the coronavirus.

Certificate of Need

Susan has represented hospitals, nursing homes, assisted living facilities, hospices and home health agencies in certificate of need matters. She has advised regarding submissions of no review and material compliance requests as well as applications identifying creative solutions and resolutions to allow clients to move forward with desired projects and proposals. She has litigated on behalf of her clients from the administrative hearing level through the North Carolina Supreme Court.

Crisis Management

She has provided crisis management assistance and, working with other members of the firm's health law team, round-the-clock coverage for hospitals facing fast-track termination. In addition, Susan has stopped fast-track terminations resulting from EMTALA and immediate jeopardy survey deficiencies, removed denial of payment for new admissions penalties and reduced civil monetary penalties by preparing necessary documents and negotiating directly with state and federal entities.

Health Care Transactions

Susan has prepared asset purchase agreements, operation transfer agreements and merger agreements, working on the specific certificate of need, licensure and federal certification issues that are unique to health care transactions. She has also obtained necessary Medicare/Medicaid approval involving changes of ownership and merger notifications.



Working with Palmetto and NCTracks, Susan has obtained necessary information and guidance related to reporting errors or other changes of information in Medicare and Medicaid submissions without penalty or interruption in reimbursement.

Long-Term Care

As outside general counsel for her long-term care clients, Susan handles day-to-day operational issues, including updating policies and procedures to address new state and federal regulations, reviewing contractual arrangements, handling resident and family member questions and concerns, assisting with discharge of residents, powers of attorney and guardian documents, answering questions regarding advance directives and dealing with surveyors.

A thought leader in the area of health law, Susan has spoken on and authored manuscripts and articles regarding CARES Act funding and the impact of COVID-19 on health care providers, Section 1557 reporting requirements, arbitration and false claims actions impacting long term care facilities, submissions of the Medicare 855 form, HIPAA and trends in long-term care litigation and Certificate of Need law.

Before Fox Rothschild

Susan was a partner at Smith Moore Leatherwood LLP, which combined with Fox Rothschild in 2018. She also held clerkships with Justice Louis B. Meyer and Justice Sarah E. Parker of the North Carolina Supreme Court.

Beyond Fox Rothschild

Actively involved in her community, Susan served as cubmaster for her son's Cub Scouts pack for seven years, assistant troop leader and product manager for her daughter's Girl Scouts troop for nine years, and president of the East Forsyth High School PTSA, among other leadership positions. She also serves on the Board of the Körner's Folly Foundation, a local nonprofit whose mission is to foster an appreciation for history, the arts and enterprise through the preservation and interpretation of Körner's Folly.

Honors & Awards

- Named Greensboro *Best Lawyers* Health Care Law "Lawyer of the Year" (2018)
- Named to "The Best Lawyers in America" list for Health Care Law in North Carolina by *Best Lawyers* (2013-2021)
- Rated AV Preeminent™ by Martindale-Hubbell®

Practice Areas

- Health Law
- Litigation
- Privacy & Data Security
- Institutions
- Physicians, Dentists, Veterinarians & Other Health Professionals

Bar Admissions

- North Carolina

Education



- University of Kansas (B.A., *with highest distinction*, 1990)
- Wake Forest University School of Law (J.D., 1993)

Memberships

- North Carolina Bar Association, Health Law Section
- Health Law Section Council, 2001-2004
- American Health Lawyers Association