



THE VOICE

The e-newsletter of National Consumer Voice for Quality Long-Term Care

September 10, 2019

Submit Comments on Proposed Revisions to Federal Nursing Home Regulations

The Centers for Medicare and Medicaid Services (CMS) is proposing to change the current federal nursing home regulations which the agency had revised and released in October 2016. The existing regulations include important new protections that better promote quality of care, quality of life, and resident rights.

Now CMS wants to modify the regulations yet again – in order to reduce the burden on providers and increase provider flexibility. The proposed requirements would rollback numerous resident protections by eliminating or easing up on specific nursing home responsibilities. The result for residents? Reduced standards for safety, quality care and rights.

Help protect residents by [submitting comments](#) on the proposed regulations! All comments are due to CMS by September 16th, 2019.

Consumer Voice and Justice in Aging have prepared sample comments for [groups/organizations](#) to use as well as [individuals](#). Submit your comments electronically or via mail. [Find instructions here.](#)

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Calendar of Events

It is extremely important for advocates to let CMS know that these rollbacks are harmful to residents. Please take the time to submit comments and forward this message to your family, friends and colleagues.

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Arkansas Nursing Homes Sue Over Federal Arbitration Rule

Two nursing homes in Arkansas are suing the Centers for Medicare & Medicaid Services (CMS) and the Department of Health and Human Services (DHHS) over a rule that prohibits long-term care facilities from requiring residents to sign a binding arbitration agreement as a requirement for admission or to continue receiving care. The long-term care providers allege that the arbitration rule violates the Federal Arbitration Act and that CMS and HHS do not have the "statutory authority" to create such a rule. The companies also asked the court to prevent the administration from enforcing the September 16th effective date for the arbitration requirements.

For more information, read the [article](#) in McKnight's.

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Decision Overturned; Rights Restored to DC Residents with Disabilities

In July, the U.S. Court of Appeals for the District of Columbia, overturned a 2017 federal district court decision and restored the rights of DC residents with disabilities who want to transition from nursing facilities back to their own homes (Brown v. District of Columbia). In 2010, Ivy Brown and other DC residents decried the city's failure to provide transition services that would allow them to move back into their homes and communities.

For more information, read the [statement from AARP Foundation](#).

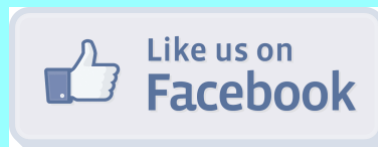
Tuesday, September 24: [Asked and Answered: Frequently Asked Questions About the Revised NORS Webinar](#), 3:00pm ET, NORC Webinar

Wednesday, September 25: [Advocacy Tools and Successful Practices to Protect Residents from Nursing Facility Discharges](#), 3:00 ET, NORC Webinar

October: [Residents' Rights Month](#)

November 3-6, 2019: [Consumer Voice Annual Conference](#), Crystal Gateway Marriott, Arlington, Virginia

Join the conversation and follow us on social media!



Last Week's Most Popular Post:

Wednesday, September 4:
[CMS is proposing to change the current federal nursing home regulations.](#)



Last Week's Most Popular Tweet:

Wednesday, September 4:

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Advocacy Tools and Successful Practices to Protect Residents from Nursing Facility Discharges Webinar

For the last seven years, complaints regarding nursing facility discharges have been the top complaint received by Long-Term Care Ombudsman programs. Join NORC as presenters will provide an overview of the *Ombudsman Learning Collaborative to Protect Residents Against Nursing Facility-Initiated Discharges* project; show how to use federal nursing home regulations and surveyor guidance to address three common complaints about discharge; share examples of legal services and Ombudsman program collaboration; and highlight available resources. Presenters: Robyn Grant, Director, Public Policy and Advocacy, National Consumer Voice for Quality Long-Term Care; Eric Carlson, Directing Attorney, Justice in Aging; Jamie Freschi, NORC Consultant. [Register here](#).

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NORS FAQ Webinar

Join NORC to hear answers to frequently asked questions about the [revised NORS data collection](#). Presenters will respond to feedback about NORC's Revised NORS Training materials and questions asked during the webinar series. Attendees will also learn about additional opportunities for technical assistance regarding NORS and have time to ask questions. This webinar is for all Ombudsman programs. Presenters: Louise Ryan, Ombudsman Program Specialist, Administration for Community Living (ACL); Amity Overall-Laib, Director, NORC; and Maria Greene, NORC Consultant. [Register here](#).

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Position Open at the Alaska Office of the State Long-

[Proposed requirements would rollback resident protections by eliminating or easing up on nursing home responsibilities.](#)

Long-Term Care Resources & News

- [Stay or go? Why hurricane evacuation of nursing homes remains an unsolved challenge](#), *PBS NewsHour*, September 3, 2019
- [Drugging Our Loved Ones to Death: Combatting the Use of Antipsychotic Drugs as Chemical Restraints](#), Videos from AARP Foundation's 2018 Symposium

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Term Care Ombudsman in Anchorage

Established in the federal Older Americans Act, and under general direction of the Alaska Mental Health Trust Authority, the Long-Term Care Ombudsman is responsible for the statewide Long-Term Care Ombudsman program, which identifies, investigates and resolves complaints relating to seniors in nursing and assisted living homes. The Ombudsman works with community partners to ensure that the interests of residents in long-term care facilities and older Alaskans are represented to governmental agencies and policy-makers. This includes analyzing and commenting on changes to federal, state, and local laws, regulations, and other government policies that pertain to the health, safety, welfare, and rights of residents living in long-term care facilities. This is a full-time position with a salary of \$7,420.00 monthly. The job closes 9/16/2019 at 5:00pm. Additional information is available [here](#).

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Spotlight on Resources



The screenshot shows the website interface for the National Long-Term Care Ombudsman Resource Center. The header includes navigation links: Home, About, Get Help, Events, News & Updates, Policy & Advocacy, and a Donate button. Below the header is the 'CONSUMER VOICE' logo with the tagline 'for family and long term care'. A sub-header reads 'Specialized Information for: Long-Term Care Consumers, Family Members, Advocates'. The main content area features a 'Back to Issues List' button and the title 'Forced Arbitration Agreements in Long-Term Care Facility Admission Contracts'. An image shows a pen and a document with a 'Signature' line. Below the image is a paragraph of text and a bulleted list of links: News and Updates, Take Action!, What is Pre-Dispute Arbitration?, Why is Prohibiting Pre-Dispute Arbitration Agreements Important to Long-Term Care Consumers?, Real People, Real Harm, Consumer Voice Resources, and Other Useful Resources and Links.

Consumer Voice and the National Ombudsman Resource Center have a multitude of resources available online covering a wide range of long-term care topics.

Visit the [Consumer Voice](#) and [NORC websites](#) to explore all the available resources. Check out this week's highlighted resource:

[Consumer Voice Issue Page: Forced Arbitration Agreements in Long-Term Care Facility Admission](#)

[Contracts](#)

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About The Voice

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Consumer Voice is the leading national voice representing consumers in issues related to long-term care, helping to ensure that consumers are empowered to advocate for themselves. We are a primary source of information and tools for consumers, families, caregivers, advocates and ombudsmen to help ensure quality care for the individual. Consumer Voice's mission is to represent consumers at the national level for quality long-term care, services and supports.

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