



THE VOICE

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

September 17, 2019

Urge Your Representative to Support the FAIR Act to End Forced Arbitration

The US House is set to vote this week on HR 1423, the Forced Arbitration Injustice Repeal (FAIR) Act. This bill would end forced pre-dispute arbitration in contracts between consumers and corporations, including nursing homes and assisted living communities. Tell your representative to vote yes to stop this practice which deprives residents and other long-term care consumers of their right to seek justice in court before an impartial judge or jury when they are harmed. You can read the bill [here](#).

Forced pre-dispute arbitration is a legal process in which a consumer is essentially forced to agree, before a dispute arises, to have the issue settled by one or more arbitrators who decide the outcome. Forced pre-dispute arbitration takes advantage of long-term care consumers at their most vulnerable, stacks the deck against them, restricts consumer choice, hides poor care, and lessens provider accountability. [Click here](#) to learn more about this issue.

Help protect consumers from these harmful agreements!

[Click here](#) to send a message to your Representative by this Thursday, September 19 to vote in favor of the FAIR Act.

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Regular Registration Ends September 30th

Remember - the regular registration rate for the 2019 Consumer Voice Conference ends September 30th!

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Final Arbitration Rule in Effect as of September 16th

On September 16, the [final nursing home arbitration rule](#) that was released by the Centers for Medicare & Medicaid Services (CMS) in July of this year went into effect except for a number of facilities involved in a recently filed [lawsuit](#) against the rule. For those [facilities](#), enforcement of the rule has been delayed until December 31, 2019.

The rule reverses the ban on forced pre-dispute arbitration agreements mandated in the 2016 revised federal nursing home regulations. While it permits facilities to ask residents and their representatives to sign arbitration agreements, the agreements may not be required as a condition of admission or continuation of care. Additionally, the facility must ensure the resident or his or her representative understands the agreement; provide for an arbitrator and venue that both parties agree to; and give residents the right to rescind an agreement within 30 days. Consumer Voice will be hosting a webinar on the rule and developing consumer education materials.

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Consumer Voice Hiring Program-Policy Specialist

The Consumer Voice is seeking a Program-Policy Specialist to work with staff and the Executive Director in the development and implementation of programmatic, legislative, and regulatory activities affecting long-term care consumers nationwide.

Responsibilities:

- Serve as primary staff support to several grant-funded programmatic initiatives
- Inform, educate, and provide technical assistance to the Consumer Voice network
- Conduct development duties as support to the Executive Director and other staff

[Register Now](#)

Calendar of Events

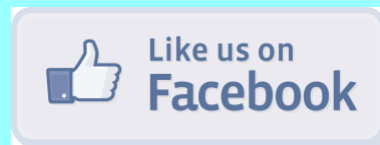
Tuesday, September 24: [Asked and Answered: Frequently Asked Questions About the Revised NORS Webinar](#), 3:00pm ET, NORC Webinar

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:

Monday, September 9:

[Thank you to all those who submitted fantastic Resident's Voice Challenge entries.](#)



- Provide support for federal and state legislative and regulatory policy activities
- Provide written and oral updates and reports to Consumer Voice staff, members, and committees as directed
- Interact with other organizations at the state and national levels and represent the organization's interests as directed

For further responsibilities, requirements and how to apply, [click here](#). Please share this posting.

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Bipartisan Legislation Introduced to Reauthorize Older Americans Act

The House Committee on Education and Labor has introduced bipartisan legislation reauthorizing the Older Americans Act (OAA). H.R. 4334, the Dignity in Aging Act, would reauthorize the OAA through 2024 and include further improvements to help older adults age in their communities. The OAA provides programs that benefit both older adults and their caregivers, including senior centers, healthy aging programs, nutrition, in-home services, transportation, caregiver support, the long-term care ombudsman program, and elder abuse protections. As a member of the Leadership Council of Aging Organizations (LCAO), Consumer Voice worked with many other groups to develop recommendations to strengthen and enhance OAA programs, including the long-term care ombudsman program. H.R. 4334 is scheduled for markup September 18.

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New Website for Reframing Elder Abuse Project

The National Center on Elder Abuse has announced a new website for their Reframing Elder Abuse Project. The project supports a reframed communication approach for introducing elder abuse to the public; an approach that doesn't reinforce misconceptions or hopelessness, but a

Last Week's Most Popular Tweet:

Friday, September 13:

[Every September, National Preparedness Month brings focus to disaster planning and getting ready for emergencies. This year's theme is "Prepared, Not Scared."](#)

Long-Term Care Resources & News

- [US: Rollback of Nursing Home Protections](#), Human Rights Watch, September 13, 2019

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Read past issues of The Voice [here](#).

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sense of justice and prevention. Learn more on their new website - <https://ncea.acl.gov/Resources/Reframing.aspx>

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Spotlight on Resources

Why is the Older Americans Act Important to Long-Term Care Consumers?

Long-term care consumers benefit greatly from provisions included in the Older Americans Act. This law assists LTC consumers by:

Helping to Promote Home and Community-Based Long-Term Care Services for Older Americans to Prevent or Delay the Need for Institutional Care. The OAA funds a range of home and community-based services for older Americans, including assisted transport services, home-delivered nutrition services, homemaker and chore services and transportation.

Helping to Educate Older Americans on Their Long-Term Care Options and Benefits. The OAA provides formula funding to states and Area Agencies on Aging (AAA's) for the purpose of providing information and assistance on long-term care options to older adults and caregivers. The law also authorizes Benefits Counseling programs in each state that assist older individuals, their family members and/or caregivers in applying for benefits and services, understanding their rights, exercising choice and maintaining their rights in seeking disputes.

Protecting Elderly Long-Term Care Consumers. The OAA requires each state to have a long-term care ombudsman program. Ombudsmen are advocates for residents of long-term care facilities. They work to resolve problems of individual residents and to bring about improvement in resident care and quality of life at the facility, local, state and national levels.

Combating Elder Abuse. The OAA combats the prevalence of elder abuse by providing states with grants to conduct elder justice activities (such as strengthening civil and criminal enforcement in court cases impacting older individuals) and the creation of State Working Groups to enhance the coordination of federal, state, and local entities on elder abuse issues, administering elder abuse prevention programs, and funding the National Center on Elder Abuse.

Supporting Family Caregivers. The OAA provides funding for the National Family Caregiver Support Program and the Native American Caregiver Support Program. These programs assist individuals that serve as unpaid caregivers for persons sixty or older and also grandparents that serve as primary caregivers for grandchildren or other related children living in the grandparent's home.

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: Reauthorization of the Older Americans Act](#)

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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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