

NCCNHR Resolution To Prohibit Binding Arbitration Agreements In Nursing Home Admissions Contracts

The following resolution was approved overwhelmingly by NCCNHR Voting Member Groups in January 2006.

WHEREAS residents of nursing homes, assisted living facilities, and other similar long-term care residential settings and their families have a constitutional right to a trial by jury, but many facilities are now including binding arbitration agreements in their admission agreements and other documents that require abused or neglected residents to arbitrate their claims rather than exercise their right to a trial by jury and;

WHEREAS such long-term care facilities prefer arbitrations because most arbitration awards impose less accountability than what would be expected from a jury of our peers and;

WHEREAS many long-term care residents and their families are under extreme stress during the admission process and sign arbitration agreements, without understanding or an awareness of them, without an opportunity to negotiate the terms of the agreements, and without having them reviewed by an attorney prior to signing them;

NOW THEREFORE LET IT BE RESOLVED THAT federal, state and local governments prohibit binding arbitration agreements in long-term care facility admission contracts and other documents; and

BE IT FURTHER RESOLVED THAT the Centers for Medicare and Medicaid Services (CMS) issue regulations to prohibit long-term care facilities from including binding arbitration language in their admission agreements or any other documents.

**NCCNHR: The National Consumer Voice for Quality Long-Term Care
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