

# Federal Government Strips Legal Rights of Older Consumers in Nursing Homes

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Washington - Late yesterday, the U.S. Center for Medicare & Medicaid Services (CMS) released its final nursing home arbitration rule, allowing nursing homes to force residents into arbitration and depriving them of access to the courts in case of a dispute. In 2017, National Consumer Law Center and dozens of other advocates filed comments with CMS condemning the proposed move to strip legal rights from residents in long-term care facilities.

**The following statement is provided by National Consumer Law Center Associate Director Lauren Saunders.**

“It is outrageous that the federal government has rolled back this key protection that gave nursing home residents and their families the right to hold nursing homes accountable for abuse, neglect, and failure to safeguard loved ones.

“Forcing disputes into a secretive system before a private arbitrator, often chosen by the nursing home, with no appeal if the arbitrator ignores the facts or gets the law wrong, is deplorable. The previous rule prohibiting forced arbitration in contracts was adopted in 2016 after CMS examined years of data showing abuse and neglect in nursing homes and long-term care facilities. CMS also concluded that forced arbitration clauses contribute to a lack of accountability and shield wrongdoing from the public spotlight. CMS conducted a literature review and also reviewed court opinions involving arbitration in long-term care facilities. Many of the articles reviewed provided evidence that pre-dispute arbitration agreements were detrimental to the health and safety of LTC facility residents.

“Everyone should be outraged at this injustice which gives a “get out of jail” card to nursing homes that neglect or cause the death of some of our nation’s most vulnerable and fragile people.”