

Oppose the *Fairness in Nursing Home Arbitration Act (H.R. 1237, S. 512)*

Action for Congress: Maintain legal options for patients, residents and providers who wish to access a fair, reasonable, and intelligent approach for resolving disputes by entering into pre-dispute arbitration agreements; oppose the *Fairness in Nursing Home Arbitration Act (H.R. 1237, S. 512)*.

The continuing medical liability crisis threatens our nation's most vulnerable citizens' access to quality long term care. The frail elderly who depend on skilled nursing facilities and assisted living communities for the care and services they need are feeling the effect of increased insurance premiums for long term care providers. The difficulty in obtaining affordable insurance and threat of costly lawsuits have forced some long term care providers to go without liability coverage, and others to close their doors altogether.

The American Health Care Association/National Center for Assisted Living (AHCA/NCAL) strongly supports the use of arbitration as a reasonable, intelligent option for patients, residents, and providers seeking resolution of legal disputes.

Pre-dispute arbitration offers a less adversarial and time consuming process than traditional litigation, and many courts throughout America have determined the process to be both fair and appropriate. Fair and timely resolution to legal concern is in the best interest of patients, residents, taxpayers, and the nation's entire health care sector – and pre-dispute arbitration should remain an option for both long term care residents and the providers who care for them.

The Fairness in Nursing Home Arbitration Act (H.R. 1237, S. 512) is a misnomer, as it does not provide fairness for long term care providers or the individuals they serve. The bills would eliminate the use of all pre-dispute arbitration agreements by nursing facilities, assisted living communities, and all housing-with-services providers nationwide – even those entered into voluntarily by residents or those representing them.

Until such time that the liability crisis for health care providers is addressed by Congress, alternative dispute resolution vehicles such as arbitration should remain an option for our nation's long term care residents and providers.

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