

ARKANSAS DEMOCRAT GAZETTE, LETTER TO EDITOR

I am the President of the Arkansas Advocates for Nursing Home Residents.

The public needs to be made aware of the fact that many nursing homes are now adding mandatory arbitration clauses to the admission contracts that residents are asked to sign when entering a nursing facility.

A person who signs such a clause as part of the admission contract agrees to take any dispute with the facility to an arbitrator, whose finding in the matter must be accepted.

Mandatory arbitration clauses are cleverly hidden in a stack of documents residents or their families are expected to review and sign upon entering a nursing home. There is great pressure to sign these binding contracts without being aware of the details.

The danger in signing a mandatory clause is that the resident is forfeiting his right to sue the nursing home if he should be injured while residing there. Nursing home residents will be giving up one of the most basic rights we have as U.S. citizens, the right to have access to our legal system.

Mandatory arbitration clauses in nursing home admission contracts have been held by the Arkansas attorney general to violate Medicaid rules, and the Office of Long-Term Care has declared them to be a violation of residents' rights.

The Center for Medicare and Medicaid Services has ruled that a resident cannot be refused admission to a nursing home for refusal to sign a mandatory arbitration clause.

Martha Deaver
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