

ISSUE BRIEF

Oppose Efforts to Limit the Use of Pre-Dispute Arbitration in Long Term Care



The continuing medical liability crisis threatens the access of our nation's most vulnerable citizens 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.

Arbitration is a legal process where the parties enter into an agreement to resolve disputes according to an unbiased, unrelated third-party. When legal concerns arise, a fair and timely resolution – the kind that is often the product of arbitration – is in the best interest of both the consumers and care providers alike. 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.

Multiple pieces of legislation were introduced in the 111th Congress aimed at restricting the use of arbitration in consumer and nursing home disputes. These bills would have eliminated 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 by residents' representatives.

AHCA/NCAL believes that consumers should not be deprived of their ability to choose the method by which they resolve disputes, nor should they be denied access to alternative venues to settle claims. Pre-dispute arbitration offers a less adversarial, less time-consuming process than traditional litigation, and many courts throughout America have determined the process to be both fair and appropriate.

AHCA/NCAL urges lawmakers to continue to support the use of arbitration and to reject any attempts to limit its use in long term care settings. Fair and timely resolution to legal concerns 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.

Ask Congress...

- To continue to oppose efforts to limit the rights of consumers and health care providers to use pre-dispute arbitration agreements as an alternative to litigation in long term care settings.

Key Facts

- Arbitration is a legal process where the parties enter into an agreement to resolve disputes according to an unbiased, unrelated, third-party.
- Pre-dispute arbitration is often a less adversarial, less time consuming process than traditional litigation.

Contact

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