November 20, 2017

Q: We are adding an arbitration agreement to our resident contracts. Is there a facility posting requirement regarding use of an arbitration agreement?

A: CMS issued proposed revisions [click here] to arbitration agreement requirements for long term care facilities. These proposed revisions would help strengthen transparency in the arbitration process, reduce unnecessary provider burden and support residents’ rights to make informed decisions about important aspects of their health care. One of the proposed revisions requires that the facility post a notice regarding its use of binding arbitration in an area that is visible to both residents and visitors.