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Assisted Living Facilities that Accept Medicaid

Should Have Same Rules as Other Health Care Providers

WASHINGTON --- The federal government should take a more active role in oversight of assisted living facilities in light of current common practice that allows the facilities to kick out or refuse to admit people who are eligible for Medicaid, even though the facilities are approved to participate in Medicaid. The Medicaid program is a shared federal/state program for those with limited income.

“Assisted living facilities are glad to accept Medicaid money, but they don’t live by the same rules as other health care providers,” said NSCLC Executive Director Paul Nathanson. “If they agree to accept Medicaid, assisted living facilities should be held as accountable as nursing facilities at both the federal and state levels.”

In the first of a series of policy issue briefs and white papers on legal issues related to assisted living practices, the National Senior Citizens Law Center shows how, in the absence of consistent federal oversight, states have developed widely varying rules protecting consumers from assisted living providers who ignore resident needs.

According to co-author Eric Carlson, some assisted living facilities just stop accepting Medicaid and the result is often devastating to residents. A real-life example cited in a NSCLC issue brief is of an 89-year-old woman in Washington

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State who received an eviction notice when a facility stopped accepting Medicaid. She grew depressed, stopped eating and died within the month.

In another Washington Case, an elderly man had lived in a Medicaid-certified assisted living facility for eight years; the cost was over \$400,000. When he and his family ran out of money, the facility forced him to leave because its management decided they needed to reduce the size of their Medicaid population.

“Such practices bring anxiety, trauma, and dislocation for vulnerable seniors and those who care about them,” Carlson noted. “If a facility is Medicaid-certified and you live there, you shouldn’t have to worry about having to leave your home because management wants to have more people who pay top dollar.”

The brief “Medicaid Payment for Assisted Living: Preventing Discrimination against Medicaid-Eligible Residents” recommends that federal law be amended to, for example, protect residents when a facility decertifies itself as in the tragic case above. Plus, the government should align federal nursing home law to cover assisted living to correct current misinterpretation of resident rights. It also calls on states to write rules to require facilities to accept residents regardless of their Medicaid status if they are Medicaid-certified and prohibit facilities from penalizing current residents.

The issue brief and white paper are part of a series developed with support from The Commonwealth Fund. To see all of the recommendations or to download both papers, visit www.nsclc.org.

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The National Senior Citizens Law Center is a non-profit organization whose principal mission is to protect the rights of low-income older adults. Through advocacy, litigation, and the education and counseling of local advocates, we seek to ensure the health and economic security of those with limited income and resources, and access to the courts for all. For more information, visit our Web site at www.NSCLC.org.



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