



**A-Med.  
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*"Industry Leaders in Medical Real Estate"*



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## Even without Congress, Trump can still cut Medicaid enrollment

After the Senate fell short in its effort to repeal the Affordable Care Act, the Trump administration is poised to use its regulatory powers to accomplish what lawmakers could not: shrink Medicaid.

President Donald Trump's top health officials could engineer lower enrollment in the state-federal health insurance program by approving applications from several GOP-controlled states eager to control fast-rising Medicaid budgets.

Indiana, Arkansas, Kentucky, Arizona and Wisconsin are seeking the administration's permission to require adult enrollees to work, submit to drug testing and demand that some of their poorest recipients pay monthly premiums or get barred from the program.

Maine plans to apply soon. Other states would likely follow if the first ones get the go-ahead.

Josh Archambault, senior fellow for the conservative Foundation for Government Accountability, said absent congressional action on the health bill "the administration may be even more proactive in engaging with states on waivers outside of those that are already planning to do so."

The hope, he added, is that fewer individuals will be on the program as states figure out ways "to transition able-bodied enrollees into new jobs, or higher-paying jobs." States need to shore up the program to be able to keep meeting demands for the "truly needy," such as children and the disabled, he added.

## You May Lose Rights To Sue Nursing Homes, If Obama's Rule Is Overturned

Picture the following. Your parent or your grandparent or some other loved one needs to be admitted to a nursing home. You no longer have the energy, time, resources, or wherewithal to care for him and her without help. You've heard stories about nursing home residents being mistreated, neglected, or abused. And now the nursing homes that you are applying to require you or your loved one to sign an agreement that you will not sue, even if your loved one gets mistreated or abused. If you sign the agreement, your only option may be "third party arbitration", whatever that means. If you don't sign, you may not be able to get your loved one into the right nursing home. What will you do?

Well, in 2016, President Barack Obama signed a Centers for Medicare and Medicaid Services (CMS) rule to help prevent such a scenario from happening. Obama's rule would prevent any nursing home that receives Medicare or Medicaid funds (which is a lot of them) from enforcing such "no sue" agreements. But now this rule is in jeopardy of being overturned President Donald Trump's administration. Why?

## Featured Facilities



### La Quinta

24 Bed RCFE For Lease  
ARG12555552 - \$9,500  
\$45-\$60K monthly income  
19 Beds, 14 Baths, 7,800 sqft,



### La Mirada

6 Bed RCFE For Lease  
ARG197197800 - \$3,900  
\$18,000 monthly income  
4 Beds, 2 Baths, 1,635 sqft,



### La Habra

6 Bed RCFE For Sale  
ARG203222905 - \$830,000  
\$15,800 monthly income  
7 Beds, 2 Baths, 2,587 Living Sqft



### Hemet

ARF Level 4C For Sale  
ARG124554559 - \$280,000  
\$20,248 monthly income  
5 Beds, 3 Baths, 2,327 sqft,



### North San Diego

ARF Level 4I For Sale  
ARG124550470 - \$440,000  
\$38,000 monthly income  
5 Beds, 2 Baths, 2,275 sqft

OK. Trump hasn't said that he hates grandmothers. Instead, here's what happened last October. The American Health Care Association (AHCA) along with a group of nursing homes sued CMS and the Department of Health and Human Services for trying to enforce the rule that would prevent nursing homes from preventing nursing home residents and their families from suing nursing homes. Yes, they tried to use a lawsuit to prevent lawsuits.

As Lydia Wheeler described for *The Hill*, the ACHA contention was that the rule violated the Federal Arbitration Act and overstepped a federal agency's authority. The U.S. Chamber of Commerce has argued that by allowing costly lawsuits the Obama rule will raise the cost of nursing home care. In an article last November for *The Hill*, Wheeler described how U.S. District Court Judge Michael Mills of the Northern

District of Mississippi blocked enforcement of the Obama rule until the lawsuit could play out in the courts. Now, CMS under the Trump administration is reconsidering the Obama rule and has allowed until Monday August 7 for public comment on possibly overturning the rule. Turns out a lawsuit may be quite effective to get what you want.

Over 75 consumer groups have banded together to oppose changes to Obama's rule. [The Fair Arbitration Now \(FAN\) Coalition argued on their web site](#) that retaining the right to sue is important protection for consumers:

Most people don't know that forced arbitration clauses are buried in the fine print of many contracts to receive products and services, and even to obtain employment. These contract clauses force people to give up their right to go to court - even if a company harms them or rips them off. Instead consumers are pushed into secret arbitration. In arbitration there is no judge, jury, and decisions are rarely appealable. Arbitrators do not have to follow the law. Civil rights and consumer protection laws can become meaningless in arbitration. That's why we need a federal law to make arbitration truly voluntary. Eliminating forced arbitration clauses from contracts will give us - consumers and employees - the power to choose court or arbitration after the dispute arises.

UPDATE: On August 7, Senators Al Franken (D-Minnesota) and Ron Wyden (D-Oregon) sent a letter to Seema Verma, the administrator of CMS, urging her to reconsider her proposal to reverse the Obama-era rule, arguing that "no sue" clauses "stack the deck against residents and their families."

This battle comes in the shadow of the fact that the conditions and quality of care at nursing homes are extremely variable, ranging from good to appalling. [A study conducted by researchers from UCSF \(Charlene Harrington, Helen Carrillo, and Taewoon Kang\) and the University of California-Irvine \(Brian Olney\) published in \*Health Services Re-\*](#)

*search* found a number of staffing and quality of care deficiencies in many for-profit nursing homes. [According to the Centers for Disease Control and Prevention \(CDC\)](#), each year 1 to 3 million serious infections occur in long-term care facilities with as many as 380,000 people dying as a result. [As the U.S. News and World Report described](#), a study published in the [American Journal of Infection Control](#) showed that about 15 percent of U.S. nursing homes were cited for lack of adequate infection control procedures.

## The Secretary Of Health and Human Services: Funding for the opioid epidemic.

--CMS Commits to provide states with more tools to address the opioid epidemic. We are committed to ensuring that states have the tools they need to combat the growing opioid epidemic that is devastating families and communities. In recognition of the urgent need to improve access to comprehensive substance abuse treatment, we will continue to work with states to improve care for individuals struggling with addiction under their Medicaid state plans and through the Medicaid Innovation Accelerator Program to improve their substance abuse treatment delivery systems. In addition, under recent regulatory changes, states may now make managed care capitation payments for individuals with institutions for Mental Disease stays of 15 days or less within a month. We will continue to explore additional opportunities for states to provide a full continuum of care for people struggling with addiction and develop a more streamlined approach for Section 1115 substance abuse treatment demonstration opportunities. We look forward to building upon initial efforts including previous collaborations amongst states.



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