

HEALTH CARE LAW NEWS: CMS ISSUES FINAL RULE REGULATING USE OF BINDING ARBITRATION AGREEMENTS BY LONG-TERM CARE FACILITIES

On September 28, 2016, the Centers for Medicare & Medicaid Services (“CMS”) issued a final rule revamping and consolidating the conditions for long-term care facilities to participate in Medicare and Medicaid. Perhaps the most controversial aspect relates to the final rule’s prohibition against pre-dispute arbitration agreements. Simply stated, a facility receiving funding under either Medicare or Medicaid may no longer enter into pre-dispute agreements for binding arbitration with any resident or a resident’s representative.

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