

# Understanding the paperwork in long-term care facilities



Admitting a family member to a long-term care facility can be both emotional and confusing. It may seem easier to simply sign all the paperwork provided by the facility, but it's important to understand the arbitration agreement to preserve your rights in case something goes wrong.

## What is an arbitration agreement?

If the facility hurts a loved one, you give up the right to a jury trial by signing an arbitration agreement. Instead of filing a lawsuit in court, you may have to pay a private arbitrator to act as judge and jury in your case, with almost no right to fix the arbitrator's errors if you lose.

## Why you shouldn't sign arbitration agreements.

You never have to sign an arbitration agreement, but if you do it will be nearly impossible to get out of it. Even if arbitration is the best option for your family, you do not need to make that decision on admission day. If a problem comes up in the future and your attorney advises arbitration as the best course of action, the facility will happily agree at that time. Question whether you want to sign away your constitutional right to a jury trial before you even know if you will need it

## What should you do?

### 1. Ask about arbitration before selecting a facility.

Always ask if a facility requires an arbitration agreement before accepting a new resident. If a facility refuses to provide care without a signed arbitration agreement, question whether to commit your loved one to a facility that will not allow a judge and jury to hear cases when one of its residents is harmed.

### 2. Read the admission paperwork carefully.

The admission paperwork can be confusing, but be on the lookout for any form with the word "arbitration" or a warning that you are waiving your right to a jury trial. If you find one, you should carefully consider whether to sign it. If the facility refuses to admit your loved one without a signed arbitration agreement, you may want to walk away, and follow up by filing a consumer complaint with the Attorney General.

## If you already signed an arbitration agreement.

If your loved one is hurt at a facility, your first step is to find a lawyer experienced in elder law issues. Elder abuse cases can be more complicated than ordinary personal injury cases, so ask potential lawyers about their previous cases involving elder care facilities. An experienced attorney can advise you regarding your options when an arbitration agreement has already been signed.

### Contact the Attorney General's Office

If a facility refuses to care for your loved one without a signed arbitration agreement you can report that facility to the Arizona Attorney General's Consumer Information and Complaints department.

Phone: 602.542.5763 Email: [consumerinfo@azag.gov](mailto:consumerinfo@azag.gov) or you can head directly to [www.azag.gov/consumer](http://www.azag.gov/consumer) to file a consumer complaint.