

NEWLY REVISED



20 Common Nursing Home Problems—and How to Resolve Them

By Eric Carlson

WITH SUPPORT FROM THE COMMONWEALTH FUND



PROTECTING THE RIGHTS OF LOW-INCOME OLDER ADULTS

For family members, residents and advocates. Find explanations of relevant law. Learn how to avoid or reverse illegal nursing home practices.

FIND OUT MORE AND ORDER

Find More Online

- [Our Priorities](#)
- [Our Issues](#)
- [Publications](#)
- [News](#)

GET INVOLVED

NSCLC invites you to join us in protecting health care, income security, and court access for older adults.

[Join Us](#)

Do you know someone interested in joining our Health Network?

[Forward to a friend](#)

Please help us protect the rights of low income older adults and persons with disabilities.

[Donate Now](#)

All gifts are tax-deductible.

Are Assisted Living Residents Being Unfairly Evicted After Spending Down to Medicaid Levels?

A discriminatory facility practice brings anxiety, trauma, and dislocation to vulnerable elders and their families.

It is a core Medicaid principle that beneficiaries receive covered services at Medicaid rates. Medicaid-certified providers, as a condition of certification, agree to accept Medicaid as payment in full. While this requirement is routinely followed by physicians, medical equipment suppliers, and nursing homes, assisted living can be a glaring exception.

After a resident pays the private-pay rate to live in an assisted living facility for an extended period of time, her savings may fall to Medicaid-eligible levels. When this happens, the resident may receive a notice from the facility, claiming that she needs to vacate because the facility will not accept Medicaid from her. As a result, frail elders find themselves being forced to move, even if they believed they would be able to "age in place."

The facility's refusal to accept Medicaid is improper if the facility is certified to accept Medicaid. A federal regulation requires that Medicaid-certified providers accept Medicaid-approved rates as payment in full. 42 C.F.R. § 447.15. States have responded in different ways to consumer concerns; however, most (but not all) do not address the issue in a meaningful way.

Residents have legal options. Rule #1 is a simple one - to prevent such an eviction, do not immediately move out after receiving notice from the facility. Depending on state law, the facility likely will not have legal grounds to evict the resident. Nonpayment would likely not be a justification,

For more information,
Contact:

Eric Carlson

ecarlson@nslc.org



Case consultation help
for advocates

because any lack of payment would be the facility's fault for refusing to accept the resident's Medicaid coverage.

For more information about Medicaid Payment for Assisted Living, see NSCLC's issue brief series at www.medicaidseries.org.

If you know of someone who has faced discrimination by a Medicaid-certified assisted living facility because of Medicaid eligibility, please contact NSCLC's Eric Carlson at ecarlson@nslc.org, (213) 674-2813, for more information.

★ Please give us feedback about whether this E-Alert is helpful to you. Click [here](#) to take a short survey.

[Forward email](#)



This email was sent to narevalo@nslc.org by narevalo@nslc.org | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

National Senior Citizens Law Center | 1444 Eye St., NW | Suite 1100 | Washington | DC | 20005