

NEW BUSINESS

(c) **FEDERAL LEGISLATION** - H.R. 7119: Fairness in Nursing Home Arbitration Act – (National Consumer Voice supports) - 118th Congress (2023-24)

Sponsors- Ms. Sánchez (for herself, Ms. Schakowsky, and others)

Committees: Committee on Ways and Means, and in addition to the Committee on Energy and Commerce,

To amend titles XVIII and XIX of the Social Security Act to prohibit skilled nursing facilities and nursing facilities from using pre-dispute arbitration agreements with respect to residents of those facilities under the Medicare and Medicaid programs, and for other purposes.

Prohibition on use of pre-dispute arbitration agreements

(A) In general

A skilled nursing facility may not require, solicit, accept, or move to enforce a pre-dispute arbitration agreement from or on behalf of any resident, whether the agreement is made before, during, or after the resident's admission to the facility.

(B) Application

This paragraph shall apply to the skilled nursing facility and to any other business or person providing or responsible for providing skilled nursing services to the resident.

(C) No validity or enforcement

A pre-dispute arbitration agreement shall not be valid or specifically enforceable against a resident or former resident of a skilled nursing facility, without regard to whether the agreement was made prior to or after the effective date of this paragraph.

(D) Definition of pre-dispute arbitration agreement

In this paragraph, the term *pre-dispute arbitration agreement* means any agreement to arbitrate a dispute when the dispute has arisen after such agreement has been made.

(E) Judicial review

A determination as to whether and how this paragraph applies to an arbitration agreement shall be determined under Federal law by a court of competent jurisdiction, rather than an arbitrator, without regard to whether the party opposing arbitration challenges such agreement specifically or in conjunction with any other term of the contract containing such agreement.

After discussion, and upon motion by Margaret Gullette, and seconded by Arlene Germain, it was **VOTED TO RECOMMEND DIGNITY ALLIANCE ENDORSEMENT.**