

Eviction Protections in Jeopardy

Nursing Home Residents Are at Risk of Improper Eviction

[“Nursing Homes Pushing Out More Poor and Disabled Patients,”](#) states a December 2017 article from Kaiser Health News. According to the article, complaints about illegal evictions are on the rise in California, Illinois, and other states.

A [lawsuit from the Maryland Attorney General](#) alleges that a chain of nursing homes systemically and improperly evicts nursing home residents. According to the lawsuit, the chain keeps residents when their stay is paid for by Medicare (which pays more than Medicaid), but dumps them when their Medicare runs out, generally after a few weeks or months. The residents allegedly are sent to inappropriate settings such as homeless shelters and “sham assisted living facilities.” Residents who are kicked out like this can experience harm and may never recover.

The same type of prejudice against Medicaid-eligible persons is reported in a New York Times article entitled, [“Complaints about Nursing Home Evictions Rise, and Regulators Take Note.”](#) The article highlights evictions occurring when nursing homes attempt to rely on a constant but short-term flow of Medicare-reimbursed residents, and evict residents when their Medicare reimbursement ends.

Residents also face evictions for other inappropriate reasons such as complaining too much, needing extensive care, or behaving in ways that the nursing home finds challenging. Improper eviction is the most common complaint made against a nursing home - almost 9,500 such complaints were made in 2016 alone.

Current Administration on Verge of Eliminating an Important Protection

Initially, the federal government identified a need for stronger standards. Beginning in 2016, to better protect residents from improper evictions, the Centers for Medicare & Medicaid Services (CMS) – the part of the federal government that is responsible for oversight of nursing homes - has required nursing homes to notify local ombudsman programs whenever a nursing home moves to evict a resident. Long-term care ombudsmen are advocates for nursing home residents. When ombudsmen are notified, they can counsel the resident on his or her options, including the ability to appeal any proposed eviction.

The current administration, however has suggested eliminating or limiting the notice-to-ombudsman requirement. If this requirement is eliminated, nursing home residents would be much more susceptible to improper eviction, because residents without assistance often feel intimidated by a nursing home that threatens or proposes eviction.

This policy alert is part of a series that highlights how the current administration in Washington is weakening protections for nursing home residents, at great risk to their health and well-being. This series is produced by Justice in Aging, The National Consumer Voice for Long-Term Care, The Center for Medicare Advocacy, California Advocates for Nursing Home Reform, and the Long Term Care Community Coalition.