

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## CONSUMER FACT SHEET THIRD PARTY GUARANTEE

Nursing homes are required to follow specific standards in order to ensure that residents receive appropriate care, have a good quality of life, and are treated with dignity. **YOU** can use these standards to advocate for your rights.

Following is the standard that we have identified as essential when it comes to a third party guarantee in nursing homes. LTCCC took descriptions directly from the federal regulations and guidelines (as indicated by text in italics). For more information about the nursing home standards, please see LTCCC's [Learning Center](#).

### THE LAW

#### **Admissions Policy [42 C.F.R. § 483.15(a)(3)] [F-620]**

**Third Party Guarantee.** *The facility must not request or require a third party guarantee of payment to the facility as a condition of admission or expedited admission, or continued stay in the facility. However, the facility may request and require a resident representative who has legal access to a resident's income or resources available to pay for facility care to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.*

### WHAT DOES THIS MEAN FOR RESIDENTS & FAMILIES?

A nursing home may not request or require a third party, such as a family member or friend, to take on personal financial responsibility for the cost of a resident's nursing home services. According to CMS's Interpretative Guidance, the prohibition against a third party guarantee applies *to all residents and prospective residents in all certified long term care facilities, regardless of payment source.*

#### **Do not sign a third party guarantee!**

- If a nursing home requires or requests a third party guarantee in order to admit a resident, **the facility is violating the law.**
- If a nursing home requires or requests a third party guarantee in order to speed up admission, **the facility is violating the law.**
- If a nursing home requires or request a third party guarantee in order to continue providing care, **the facility is violating the law.**

For additional information and resources, please visit  
[www.NursingHome411.org](http://www.NursingHome411.org).