



# WASHINGTON UPDATE

OCTOBER 2016

Upcoming Program at  
Benjamin Rose

**LGBT Older Adults:  
Supporting their Unique Health  
and Social Needs**

Thursday, October 20, 2016  
8:30am—5:15pm

**The 10th Annual Katz Policy  
Lecture** with Michael Adams,  
CEO of SAGE USA, will be  
held at 4pm as part of the  
conference. A reception will  
follow Adams' remarks.

For more information visit  
[benrose.org/education](http://benrose.org/education).

## Congressional Update

**Federal Funding for FY17: House, Senate Pass CR to Fund Government through Dec. 9**

Both the House and the Senate last Wednesday, September 28, passed, and President Obama signed, a Continuing Resolution (CR) to fund almost all of the federal government at (almost) current funding levels in FY 2017 through December 9. A CR is necessary because Congress failed to agree on and pass appropriations spending bills.

The bill funds federal programs, including the OAA, until December 9. All programs will receive a slightly less than 0.5 percent across-the-board cut to stay within the FY 2017 budget caps, which are lower than FY 2016's caps.

By December 9, Congress will have to decide whether to move forward on a compromise package reflecting bills previously passed through House and Senate Appropriations Committees, turning them into an omnibus appropriations bill or bills (all-encompassing funding bills for a number of departments), or whether they will cover the whole 2017 fiscal year or some shorter period with another CR. Majority Leader McConnell and Speaker Ryan have publicly discussed being in favor of a series of "minibuses," or smaller omnibus bills.

## Long-Term-Care Facility Final Rule Issued; Bans Pre-Dispute Binding Arbitration

As part of a long-awaited final rule issued by CMS, mandatory pre-dispute binding arbitration agreements will be banned for residents of long-term-care facilities.

Long-term-care facilities regulations have not had a comprehensive update since 1991. CMS proposed to update the rules as part of the White House Conference on Aging. Many of the 10,000 comments received from the public on

the proposed rules included comments on the use of these agreements, which require the resident to settle any dispute that may arise using arbitration rather than the court system.

CMS writes, "Historically, many facilities require residents to agree to binding arbitration clauses when they are admitted to these facilities... Effective November 28, 2016, our final rule will prohibit the use of pre-dispute binding arbitration agreements. This means that facilities may not require residents to sign pre-dispute arbitration agreements as a condition of admission to that long-term care facility..."

"Facilities and residents will still be able to use arbitration on a voluntary basis at the time a dispute arises. Even then, these agreements will need to be clearly explained to residents, including the understanding that these arbitration agreements are voluntary, and that these agreements should not prevent or discourage residents and families from talking to authorities about quality of care concerns."

### Capital Briefing to Defeat Senior Hunger

On Monday, September 26, Benjamin Rose Institute on Aging President and CEO Richard Browdie joined leaders from other organizations as part of Defeat Malnutrition Today to hold a briefing in recognition of Malnutrition Awareness Week.



**From left: Richard Browdie of Benjamin Rose, Kristin Warzocha of Greater Cleveland Food Bank, John Corlett of Center for Community Solutions, and Doug Beach of Western Reserve Area Agency on Aging, on Capital Hill last week to discuss senior hunger.**

The briefing was held in the US Senate and was widely attended, with an audience of almost 80 people.

To see the briefing slides, please visit [defeatmalnutrition.today](http://defeatmalnutrition.today).

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## Contact Us

We welcome your feedback!  
Please share questions,  
suggestions or concerns.

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