

FACILITY'S PROCESS FOR INTRODUCING, DISCUSSING, AND SIGNING BINDING ARBITRATION AGREEMENTS

HealthCap
RISK MANAGEMENT SERVICES

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Meet New Resident

- Introduce the voluntary Binding Arbitration Agreement to Resident/Legally Authorized Representative ("Representative")
- The Binding Arbitration Agreement must be a separate document (not included in the Admission Agreement)
- If the Resident chooses, allow the Resident's family/representatives to participate in discussion
- If the Resident is not his/her own responsible party, reschedule for when the Representative is able to be involved



Educate & Discuss

- Have a pleasant demeanor and take your time with Resident and/or Representative
- Explain the agreement in a form and manner that he/she understands, including in a language he/she understands
- Make it clear to Resident and/or Representative that signing is NOT a condition of admission to the facility or a requirement to continue to receive care
- Do not hand the Binding Arbitration Agreement to Resident or Representative without oral explanation and conversation
- You MUST follow the attached checklist in educating the Resident and/or Representative on arbitration and fully explain the Binding Arbitration Agreement
- Answer all of the Resident and/or Representative's questions



Sign Agreement

- Ensure Resident or his/her Representative acknowledges understanding Agreement
- If the Resident elects to sign the agreement and is his/her own responsible party, obtain his/her signature
- If the Resident is not his/her own responsible party, obtain the Representative's signature Request and retain the Representative's legal authority such as Letters of Appointment or Durable Power of Attorney in the Resident's file
- Explain the opportunity to rescind the Agreement within 30 days of signing
- Provide a copy of the signed Agreement to the Resident and/or Representative