

NaCCRA Opposes Granting Immunity to Nursing Homes

The National Continuing Care Residents Association (NaCCRA) represents senior citizens who live in continuing care retirement communities/life plan communities nationwide and which are often referred to as CCRCs. NaCCRA represents the one million residents of these communities and their families.

CCRCs mainly provide three levels of care under one roof or on the same campus, normally comprised of independent living, assisted living, and skilled nursing care—the latter two considered licensed long-term care facilities. Our members can reside at various times in any of the three levels of care. For example, one spouse can live independently while the other can live in assisted living or skilled nursing. There are numerous variations of these living arrangements depending on the level of care required.

NaCCRA and its members are very sympathetic to CCRC managers and front-line care/service workers as they labor during the coronavirus pandemic with its many challenges. However, residents living and dying, many times alone, in nursing homes or assisted living apartments, should not be deprived of their legal rights or protections even in these most extraordinary times.

NaCCRA and its member residents living in continuing care settings are alarmed at the push to grant liability immunity to providers and operators of long-term care facilities in the face of the COVID-19 epidemic. Many states have acquiesced to provider association lobbyists at the expense of residents' legal protections. NaCCRA believes that long term care providers must not be given a pass on negligence in any form simply due to a pandemic, which makes seniors in such congregate settings even more vulnerable.

Therefore, we strongly oppose the liability waivers for COVID-19 legislated by some states. We urge that these be repealed and advocate an immediate moratorium on any future waivers for providers/operators of CCRCs and long-term care facilities. It is our position that existing laws and negligence standards are more than adequate to protect long term care facilities that are sued if they have followed the proper standards of care and protocols