



Residents News-Mail

February 7, 2021

Hello, WACCRA Members,

We hope you have already renewed your WACCRA Membership! Coordinators have been busy with outreach for the past week. As an extra incentive, this News-Mail installment illustrates how WACCRA is becoming an influential leader among CCRCs nationally. For details, read the following article, published by the National Continuing Care Residents Association (NaCCRA), in their latest *LifeLine* bulletin:

Washington State Residents Take the Lead (Again)

Jack Cumming ~ Carlsbad By The Sea

NaCCRA LifeLine

November/December 2020, Vol 24. No. 12

In less than 5 years, the Washington Continuing Care Residents Association (WACCRA) has gone from its founding to become one of the most influential advocates for residents in the nation. In just its first year of existence, WACCRA successfully advocated for the first Washington State CCRC law, RCW18.390, effective July 1, 2017. This law requires that CCRCs register with the state Department of Health and Human Services, provide financial disclosures to prospective residents, and allows protections under the Consumer Protection Act. That alone was an extraordinary accomplishment.

Now WACCRA has taken another trailblazing forward step. WACCRA has just negotiated with LeadingAge Washington a breakthrough agreement to provide more information to residents and to establish a procedure for residents to consider and make recommendations on pending management decisions. Their process begins in 2021. So far, all of the Leading Age provider members have signed on. There is one CCRC in the State that is not a member of LeadingAge

and has not yet signed on.

Relations between WACCRA and the providers' trade association, LeadingAge Washington, have not always been this amicable. During the 2019 Washington State legislative session, LeadingAge Washington wrote a lengthy email denouncing WACCRA as representing only a small group of malcontents. In short, LeadingAge Washington claimed to represent all Washington State CCRC residents, whereas WACCRA, it reported, included only 10% of the state's CCRC residents and most of them, it further asserted, lived in the full-care-inclusive communities offering resident-protective Type A contracts. WACCRA, though, took the high road; ignored the slights; and responded to the Washington Legislature's suggestion for LeadingAge and WACCRA to enter mediation to find common ground, while holding its own in its efforts to strengthen resident rights and resident financial security. That effort has now borne fruit in this landmark agreement. Moreover, other states are now looking at the WACCRA approach to try to gain stronger resident protections. FLiCRA, the Florida Lifecare Residents Association, as an initial step, has shared the Washington State development with LeadingAge Florida. Residents at Florida's Oak Hammock have not waited for FLiCRA, though, and they have already opened discussions with their management about a similar covenant to protect their residents. The North Carolina Continuing Care Residents Association (NorCCRA) has also taken note of the Washington State breakthrough and is beginning a process of considering it. The Washington Commitment to CCRC Practices is available on request from WACCRA's President:

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In another development, residents at University Village Thousand Oaks in California brought a lawsuit challenging the binding arbitration provision that is often included in the contracts of admission that prospective residents must accept unaltered if they want the benefits of community living. The lawsuit built on a California law protecting tenants, and it was contested all the way to the California Supreme Court.

Thus, it is now settled law in California that the arbitration provisions in continuing care contracts cannot be enforced concerning the rental attributes of continuing care contracts. The provider law firm, Hanson Bridgett, is now advising providers to change their contracts so they can continue to mandate arbitration for care and services disputes. Obviously, arbitration does not favor residents, or providers would not be so eager to impose it. This new decision is a victory for California residents.

[END OF ARTICLE]

WACCRA could not accomplish anything without you, our members. If you have not already done so, please renew today. Consider signing up family members for membership too. Our January 29, 2021 News-Mail has all the information you need to make renewal easy for you.

As always, thank you for your continued support of WACCRA!
Monica Clement
WACCRA Communications Chair

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