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FOR IMMEDIATE RELEASE

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Careful Consideration for Leases and Admission Agreements in Assisted Living

A benefit of the current long term care environment is the vast array of living options available to older adults, meeting a variety of needs and expectations. In Wisconsin, nursing homes have often been the traditional choice for older adults in need of some medical service and choosing to live in a congregate setting. Today, options in "assisted living" include adult family homes, community-based residential facilities and residential care apartment complexes.

Increasingly, calls to the Board on Aging and Long Term Care's intake line about some of these assisted living options relate to consumer complaints about issues such as being given inadequate notice regarding changes to admission or rental agreements, changes that have already been made to services and resulting charges. It has even been the case that residents and tenants have been told they must leave the facility without adequate notice and without regard for the resident's or tenant's needs and abilities to make such important future plans.

In some cases the contracts that were signed at the time the resident or tenant moved into the facility are found to be lacking information that would tell the consumer of their rights and responsibilities as a resident or tenant. More frequently, consumers have not read most of the contract language that they signed and agreed to. Sometimes this language gives more power to the facility owner than should be acceptable for a mature adult with unknown future needs.

Changes in function, cognition and medical needs do happen and can require a greater level of care and service than can perhaps be provided in a chosen environment. Families and potential tenants and residents should ask questions that will provide information about the limitations of the facility to meet some of these potential future needs before signing a lease or admission agreement. Facility owners often give verbal assurances that the facility will "work with the family" should these occasions arise, but do not detail the resident's or tenant's financial liability, or expectations for the resident's or tenant's behavior as a condition to remain in the facility, should they develop diseases such as Alzheimer's disease and related dementias, as one example.

In one case, an 86 year old gentleman in fairly good health, decided to move into an assisted living community to increase his contact with other residents, and to permit professional medication management, housekeeping and meal preparation. He paid a \$1000 entrance fee along with the first and last month's rent, a total of \$6400.00. His daughter came and helped settle him in mid-month and he was looking forward to a new chapter in his life. Within 36 hours, he had fallen and broken his hip. After surgery and rehab his physicians determined that he should not return to independent living, but needed a higher level of assistance. When the family notified the facility's manager they were shocked to learn that since he had not given a 60 day advance notice of vacating the apartment, (as required by the admission agreement) they would not be refunding any of the money he had already paid. The only option by which he would recover any of his money was if the facility would be able to re-rent his apartment for next month, however the manager also indicated that, as there were already vacancies in the building, this would not be a priority.

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Some ideas for consumer protections in assisted living:

- Ask for information related to the facility's ability to accommodate your needs and desires
- Read the marketing materials you are given thoroughly and ask questions
- Read all rental agreements in full and get ask that any verbal promises or assurances be put into writing
- Have someone else, someone that you trust, review the documents with you, and ask that trusted advisor to help you interpret any confusing terms, especially those which could limit your ability to resolve any future disputes in court
- Before deciding, ask to talk with current residents or tenants about their experiences
- Talk to your county Aging Resource Center about any complaints or concerns they have received about facilities you are considering
- Check for complaints made to the local office of the Wisconsin Office of Consumer Protection at:

800-422-7128

- For more information and specific suggestions about how to make an informed choice, or if you have specific questions about any of the provisions in an admission agreement, call the Wisconsin Board on Aging and Long Term Care, at :

800-815-0015

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