

Notes and News from NaCCRA

Monday, July 10, 2017

Many NaCCRA members and prospective members do not have email to receive these Notes and News. We urge you to share this news with anyone who you think might be interested.

You can help NaCCRA by putting a copy of Notes and News in every in-house mailbox in your CCRC.

Effective Results.

NaCCRA has been working behind the scenes to change CCRC living, and related industries, for the better to anticipate the needs of the coming generation. You have already heard of the change in accounting rules and the efforts that NaCCRA has made to work toward principled entrance fee accounting for CCRCs. That includes ensuring that “refund” contracts are tenable and not just a Ponzi-like figment of a marketer’s dream.

NaCCRA has also published widely to win the hearts and minds of provider executives and other titans of the eldercare industry. Our goal is nothing less than a trustworthy industry to which aging Americans from all socioeconomic strata can look with confidence.

NaCCRA believes that persuasion is more effective than coercion in getting people, including the providers on whom CCRC resident depend, to do what’s right. That quest for what’s right can be in tension with the desire of those in authority to retain control. We understand the resistance that comes with position and career ambitions, but NaCCRA is committed to an educational mission for what’s just.



Financial Strength.

NaCCRA believes strongly that CCRC residents, who trust in provider integrity for protective and responsive services as their own capacity diminishes, deserve the highest order of financial strength to ensure the fulfillment of their contracts. Accordingly, we advocate for strong,

positive balance sheets and industry guaranties comparable to those for bank deposits, insurance policies, brokerage accounts, and pension benefits.

Healthcare.

The politicized healthcare debate continues to threaten elderly Americans, in particular, along with others who depend on medicine for their well-being and survival. NaCCRA has offered a nonpartisan approach which unfortunately has not attracted much attention as the political leaders in both parties see more advantage for themselves in partisanship instead of working toward the common good.



Politics thrives with contention; it withers with solutions. Solutions are the work of reason and science. Politics is the business of debate and opinion. Political solutions are compromises but compromise can’t change the value, say, of π as [the Indiana legislature is said to have attempted years ago \(Click for details\)](#). We need a reasoned approach to America’s healthcare challenge.

[You can access NaCCRA’s healthcare proposal by clicking on this sentence.](#) The NaCCRA U website, where NaCCRA’s healthcare proposal is exposed for discussion, is now being revived. It is still under development, though the healthcare section is fully operational.

Contract Matters.

There are many variations of CCRC contracts, some of which are more favorable to the protection of residents than are others. These are universally contracts of adhesion, meaning that prospective residents must accept the provider’s contract without alteration, whether the signers understand the terms or not, and regardless of the merits of what is offered.

It is well for you to know and understand your own contract. Moreover, even if you have read your contract, the provider may from time to time deviate from what is

promised. The contract is only as good as is the provider's adherence to it.

Most residents are unwilling to litigate to enforce contractual promises and regulatory enforcement of contracts is generally left to the courts. States that approve continuing care contracts typically follow the statutes slavishly and do not consider whether the contract is fair or equitable. There is no pricing oversight of CCRC fees. Most contracts omit provider responsibility to act above all for the resident's welfare.

Moreover, many continuing care contracts incorporate a Resident Handbook as part of the contract. The Handbook can sometimes be changed by the provider from time to time without resident consent. We don't know if unilateral changes have ever been contested.



Here are some things to check:

1. Does your contract commit the provider to keep you in residence for life even if your funds run out?
2. Does your contract allow the provider to expel you if you need services which are beyond the capacity of the provider to offer?
3. Does your contract require you to pay more if you move to skilled nursing?
4. Does your contract offer an entrance fee refund payable within a reasonable time after your residential unit is relinquished for re-occupancy or is it contingent on the provider's marketing success?
5. Does your contract authorize the provider to divert your entrance fee investment to corporate purposes beyond fulfillment of the contractual promises made to you and your fellow residents?

Many prospective residents rely on effective regulatory oversight of contractual offerings and/or on the good will of the provider. Reasonable people, however, can have varying perspectives and may disagree even on fundamentals, so your provider may have a different view of the contractual commitments than you do. A well-informed resident is the best protection to assure that reasonable expectations are valid expectations.

Catch the Vision; Feel the Power.

NaCCRA's Board met by video conference on July 5, 2017. President Basil Pflumm asked for Board consider-

ation of his intention to form a Congress of Resident Associations, which will be comprised of local CCRC association representatives and state association advocates. The Congress will meet in person in New Orleans and, otherwise, virtually (i.e. online by video and other means). Past President Bob Nicholson proposed that the theme be "Catch the Vision; Feel the Power." The website is <http://NaCCRACongress.com>.

President Pflumm also led a discussion of Priorities and Action Items. [You can experience the entire Board meeting by clicking on this sentence.](#)

Fundraising.

NaCCRA is only as effective as its resources. Achieving a major advocacy objective, such as resident empowerment, would require an outlay of \$50,000 or more over and above the resources that NaCCRA has from dues alone.

Recently, Past President Nicholson, who lives on the meager income of a retired parson, donated \$200 in honor of Bob Levine of Arizona who died recently. NaCCRA was especially honored to receive a \$500 donation from Michele Holleran, an expert in community engagement research. Another donation was in memory of Al Chamberlain, husband of Stephanie, who is a stalwart in the Washington State residents' organization.

We need leadership donors to help move NaCCRA to the next level. We need your support.

Join NaCCRA to support our mission and to gain full access to member benefits.

Individual Membership with Mailed Newsletter \$20 a year

Name(s) _____

Email _____

CCRC _____

Second Member in Household is \$15 a year, and Lifetime memberships are 10 times annual. Send membership to NaCCRA, 325 John Knox Road L103, Tallahassee, FL 32303. *Include address and phone.* Email: naccra@executiveoffice.org. If you wish to support our educational advocacy, NaCCRA is a 501(c)(3) tax qualified organization and we welcome your gifts.

Notes and News from NaCCRA appears from time to time, whenever there is a need to keep NaCCRA members informed about current developments. **Please reproduce and distribute these Notes in your in-house mail boxes so others can know of NaCCRA.** Thank you for supporting NaCCRA. *Our mission is to serve you.*