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March 03, 2009 04:20 PM Eastern Time 

## Nurses Launch “ChooseCareTN.com” to Support Tennessee’s Elderly, Protect State’s Caregivers

*Millions of Dollars to Care for Elderly Pocketed by out-of-State Law Firms*

*ChooseCareTN Act of 2009 – Balanced Approach to Quality Care in Tennessee’s Nursing Homes – Protects Patients, Caregivers and Nursing Homes*

NASHVILLE, Tenn.–(BUSINESS WIRE)–Outraged by the increasing intrusion of out-of-state trial lawyers who prey upon Tennessee nursing homes in search of million-dollar verdicts, a coalition of nurses has formed ChooseCareTN to fight back and protect patients and those caregivers who care for them.

These nurses are among the 22,000 caregivers employed by more than 330 nursing homes and long-term care facilities statewide. Today, they announced the formation of their coalition through the launch of [www.ChooseCareTN.com](http://www.ChooseCareTN.com) – a Web site dedicated to educating the public about the crisis facing Tennessee and the solution they propose for the state, a bill called the ChooseCareTN Act of 2009.

At its heart, the ChooseCareTN Act balances reasonable limits on lawsuits with nurse staffing levels to encourage facilities to hire more caregivers. In short, the more nurses a facility has, the better their patients are protected.

“ChooseCareTN is about putting patients first over lawyer fees, putting nurses first over needless lawsuits and putting Tennessee first over out-of-state trial lawyers,” said Marilyn McClain, RN, a 35-year nurse and Administrator in Training at Vanco Manor Nursing and Rehab Center in Goodlettsville, Tenn.

“All nurses know where our focus should be – on our patients – not over our shoulder, wondering when the next potential court case may come. This coalition is about taking back respect, trust and dignity for both the patient and the caregiver, which the lawyers attempt to rob from us.”

### Scarce Healthcare Dollars Leaving Tennessee

Today, 93 percent of payments to Tennessee nursing homes are made through state and federal taxpayer dollars via Medicaid/TennCare and Medicare. However, those dollars are already in jeopardy due to reduced state budgets and reimbursement rates that limit resources to nursing homes.

This breaks down to an average of \$4,510 per bed per year in liability costs – which is the second highest cost of any state in the nation. Only Arkansas pays more. Further, it costs \$455,000 to defend and settle a case in an average Tennessee nursing and rehab center.

The millions of dollars that leave Tennessee in the hands of out-of-state trial lawyers only adds to the challenges these nurses and nursing homes face. The dollars leaving are a large portion of the \$90 million in state and federal taxpayer dollars that are spent each year in liability costs.

ChooseCareTN members believe they need every dollar possible to invest in patient care. Instead of leaving the state, these dollars could be used to hire additional nurses, buy new equipment and make facility improvements.

### Tennessee: An Out-of-State Lawyer’s Target

Thirty-two states have already passed tort reform that protects nursing homes from trial lawyers who look to try cases in states where there is no reform.

This makes Tennessee a target for out-of-state trial lawyers because they can maximize awards, of which some personally retain up to 45 percent.

“Not only is our state the target, but our caregivers are also demonized by these lawyers whose overstated allegations of abuse and neglect cut to the core of our mission. It’s as if they claim to know how to care for patients better than we do,” said McClain.

“It’s demoralizing – and it’s not in the best interest of our patients.”

### A Solution for Tennessee: ChooseCareTN Act of 2009.

ChooseCareTN members are eager for a solution. The ChooseCareTN Act of 2009 will focus on the following key tenets:

- **Balanced Protection:** Balances reasonable limits on lawsuits with nurse staffing levels. Nursing homes that increase staffing levels are rewarded with reasonable limits on punitive damages. In essence, the more caregivers in a facility, the more protection that facility receives. The bill also places limits on non-economic damages.
- **Transparency:** Develops a quality survey that seeks and reports input directly from patients and their families.
- **Long-term Care Improvement Fund:** Establishes a Long Term Care Improvement Trust Fund that will improve care for Tennessee’s elderly.

**For More Information, or to talk to a ChooseCareTN Nurse:**

Please contact Kristen Hayner at 615-254-0575 or [khayner@jarrardinc.com](mailto:khayner@jarrardinc.com)

ChooseCareTN is supported by Tennessee Health Management, Inc. and National Healthcare Corporation.

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