

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

Fact Sheet: Resident-Centered Advocacy When a Nursing Home is Cited for Substandard Care, Abuse or Neglect

Background

In February 2017, LTCCC released two reports on nursing home care. **Report #1: [Chronic Deficiencies in Care](#)** focuses on the persistence of recurring failures to meet minimum standards. This report accompanies information on every nursing home with what we are calling “chronic deficiencies” – three or more citations for the same regulatory standard in the three years of data posted on Nursing Home Compare. **Report #2: [The Identification of Resident Harm in Nursing Home Deficiencies](#)** assesses the extent to which resident harm is identified when facilities are cited for violating minimum care standards. This study found that resident harm is identified in less than 5% of citations for violations of minimum care standards and provides a variety of insights into how and when harm *is* identified when nursing homes are cited.

Both reports, and the names of the 6,000+ nursing homes with chronic deficiencies in communities across the United States (as of fall 2016), are posted on our website, www.nursinghome411.org. Separate, searchable lists are provided for each state, including the names and addresses of each facility with chronic deficiencies, the description of the regulatory provision that was violated, the dates of the surveys in which the violations were found and more.

The purpose of this fact sheet is to provide residents, families, LTC ombudsmen and advocates information that you can use to support your advocacy for better care in your nursing homes, communities and states.

Why is This Information Important to Resident-Centered Advocacy?

- Too many nursing home residents receive substandard care and services despite longstanding federal protections that provide good standards for resident care, quality of life and dignity.
- Numerous studies and reports over the years have recognized the need for better monitoring and oversight.
- Nursing home residents and their advocates can use this information to support their advocacy for better care in their nursing homes and with their state and federal leaders. This is especially important when the state and federal Survey Agencies have not taken sufficient action to prevent abuse and neglect.

Basic Considerations

- Does my nursing home (or the nursing homes in my community) have chronic or persistent problems?
- If yes, what are those problems?
- What steps has the nursing home taken to address those problems?
- What has worked? What hasn't?
- How are these problems being addressed by the facility's leaders (owners/administrators) and its quality assurance (or QAPI) team?
- How are these problems being addressed by the state Survey Agency, CMS and other enforcement agencies?
- To what extent are the resident council, family council and LTC ombudsman aware of the problems and involved in the solutions?

Additional Actions to Consider

- **Use available information** from reliable online resources to gain insights into the quality of care and staffing levels of your nursing home, relevant quality standards and residents rights (see suggested resources below).
- **Keep good records.** If you have a problem, make sure to note what it was, who you spoke to about it, when you spoke to him or her and when the problem is expected to be addressed.
- **Raise concerns** directly with facility staff and management (the questions listed above can be a useful basis for how to do this effectively).
- **File a complaint.** If your concerns are not addressed in an effective and timely manner by nursing home staff, contact your local LTC Ombudsman, state Survey Agency or state Medicaid Fraud Control Unit. *Remember, having good records will be helpful in substantiating your complaint!*
- **Raise concerns** with your state and federal representatives. Let them know about your concerns and the need for strong monitoring and oversight to ensure that residents receive decent care and are treated with dignity. [It is critical that state and federal leaders hear from residents, families and their advocates when there is substandard care, abuse or neglect!]

Resources for Help and Information

- **Nursing Home Compare** (www.medicare.gov/nursinghomecompare) - Information on all licensed facilities in the U.S.
- **LTCCC** (www.nursinghome411.org) - LTCCC's website includes a variety of free resources on nursing home quality, including resident rights, quality standards and advocacy resources.
- **The Consumer Voice** (<http://theconsumervoice.org/>) - The Consumer Voice's website provides numerous resources for resident-centered advocacy for consumers, families and advocates. It also hosts the National Long-Term Care Ombudsman Resource Center which has both resources and contact information for local ombudsmen across the United States.