



The *NEW* Nursing Home Regulations: What Do Residents, Families & Ombudsmen Need to Know?

Presented by Richard Mollot, Long Term Care Community Coalition

www.nursinghome411.org

+ About the Long Term Care Community Coalition

- **LTCCC:** Nonprofit organization dedicated to improving care & quality of life for the elderly & adult disabled in long term care (LTC).
- **Our focus:** People who live in nursing homes & assisted living.
- **What we do:**
 - Policy analysis and systems advocacy in NYS & nationally;
 - Education of consumers and families, LTC Ombudsmen and other stakeholders.
- **Coalition members** include several LTC Ombudsman Programs, the Center for Independence of the Disabled, AARP NY, several Alzheimer's Association Chapters, other senior and disabled organizations. Also individuals, including ombudsmen, who join in our mission to protect residents.
- **Richard Mollot:** Joined LTCCC in 2002. Executive director since 2005.



+ What Will We Be Talking About TODAY?

■ BACKGROUND

- Overview of the Nursing Home System
- The Federal Nursing Home Law

■ WHAT IS HAPPENING NOW?

- The Nursing Home Standards and Changes Underway
- LTCCC's Project to Educate & Support Families, Ombudsmen and Residents...

What?

Why?

When?

How?



The Nursing Home System in a Nutshell

- The vast majority of nursing homes participate in Medicaid and/or Medicare.
- In order to participate in Medicaid/Medicare, a facility agrees to meet the standards provided for in federal law.
- States may have ***additional*** protections, but no state can have less protections.
- Federal ***protections are for all the residents*** in a facility, whether their care is paid for by Medicare, Medicaid or private pay.



+ The Nursing Home Reform Law

- The Nursing Home Reform Law (aka OBRA 87) requires nursing homes receiving federal funding to conform to specific standards of care.
- Federal law requires that **every** nursing home resident is provided the care and quality of life sufficient for them to attain and maintain their highest practicable **physical**, **emotional** and **social** well-being.
- This is what we pay for.
- This is what providers agree to provide.
- This is what every resident deserves.

+ The Nursing Home Reform Law

- The emphasis on individualized, patient-centered care was intended to reduce widespread problems in long-term care facilities, including abuse and neglect, and improve quality of life.
- Importantly, the law lays out specific resident rights, from good care and monitoring to a quality of life that maximizes choice, dignity and autonomy.
- **In short: Every nursing home that takes in any Medicaid/Medicare money agrees to – and is paid to – have sufficient staff and appropriate services to ensure that all of their residents are able to attain and maintain their highest practicable well-being.**



+ Question:

If the Nursing Home Reform Law is so **GREAT**, Why are so many nursing homes **BAD** places to live and get care?



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Answer:

Though the laws are strong
and the standards are good,
they can only make a
difference in the lives of
residents if they are
ENFORCED.



+ The Nursing Home Enforcement Agencies

■ **US CMS.**

- The federal agency, CMS, is responsible for paying for Medicare and Medicaid services in **every** setting nation-wide, for developing standards for provision of that care and for ensuring that those standards are met.
- CMS contracts with the State Agencies to perform oversight functions.

■ **NYS DOH.** The State Survey Agency, responsible for monitoring care and ensuring quality in NYS facilities.

■ **NYS MFCU.** The Medicaid Fraud Control Unit, housed in the NYS Attorney General's office, also has an important role. By ensuring that public \$\$ is spent on quality services, it can hold nursing homes accountable for abuse and neglect. MFCU has its own abuse and neglect complaint line.

■ **NYS Comptroller.** The Comptroller focuses on the integrity of public programs and public agencies. Because most nursing home care is paid for with public funds, they have a less direct – but still important – role in ensuring that residents receive decent care.

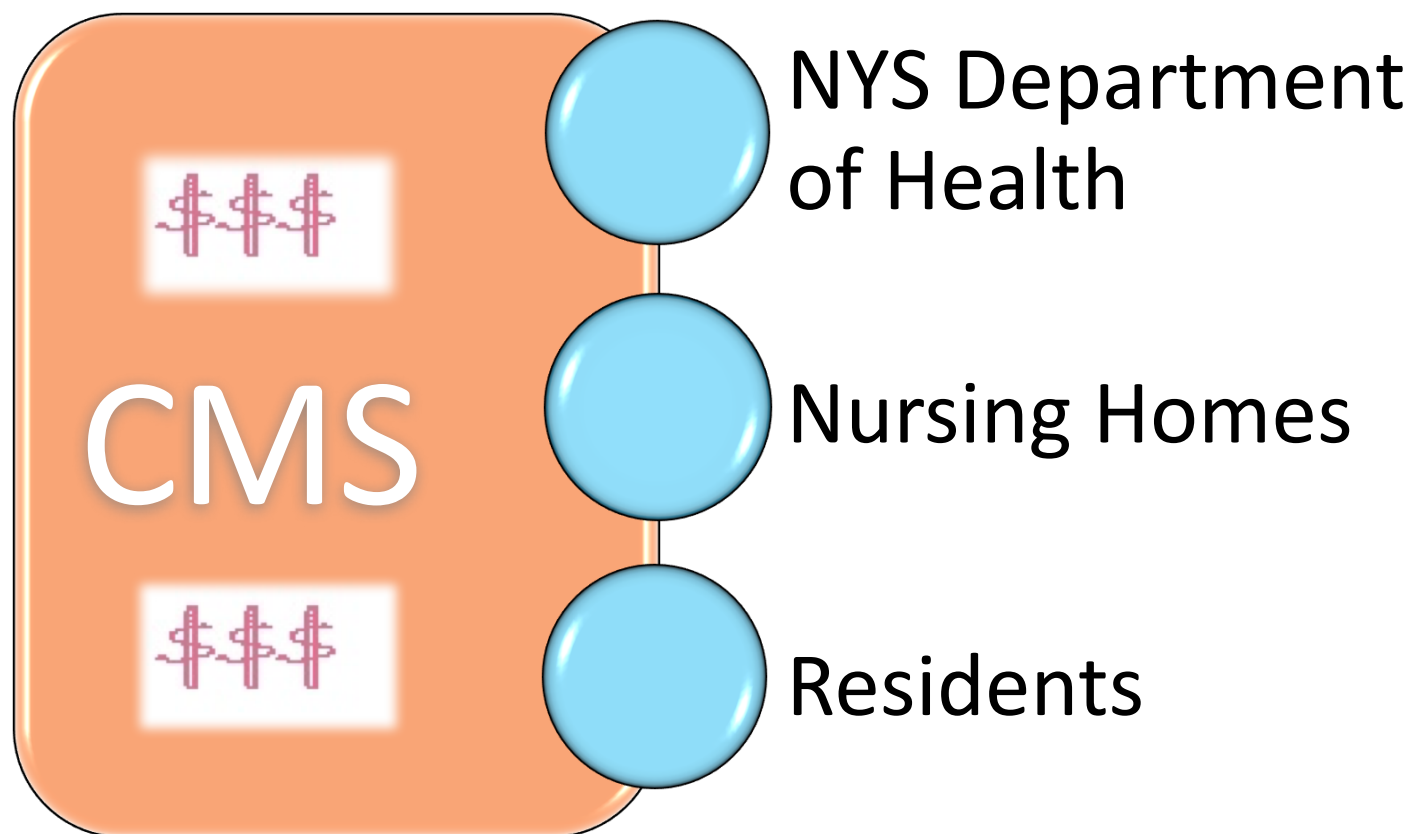
■ **NYS OMIG.** The Office of the Medicaid Inspector General also has a role in assuring that care in nursing homes and other public program is provided safely and appropriately.



The Nursing Home Enforcement System: Structure

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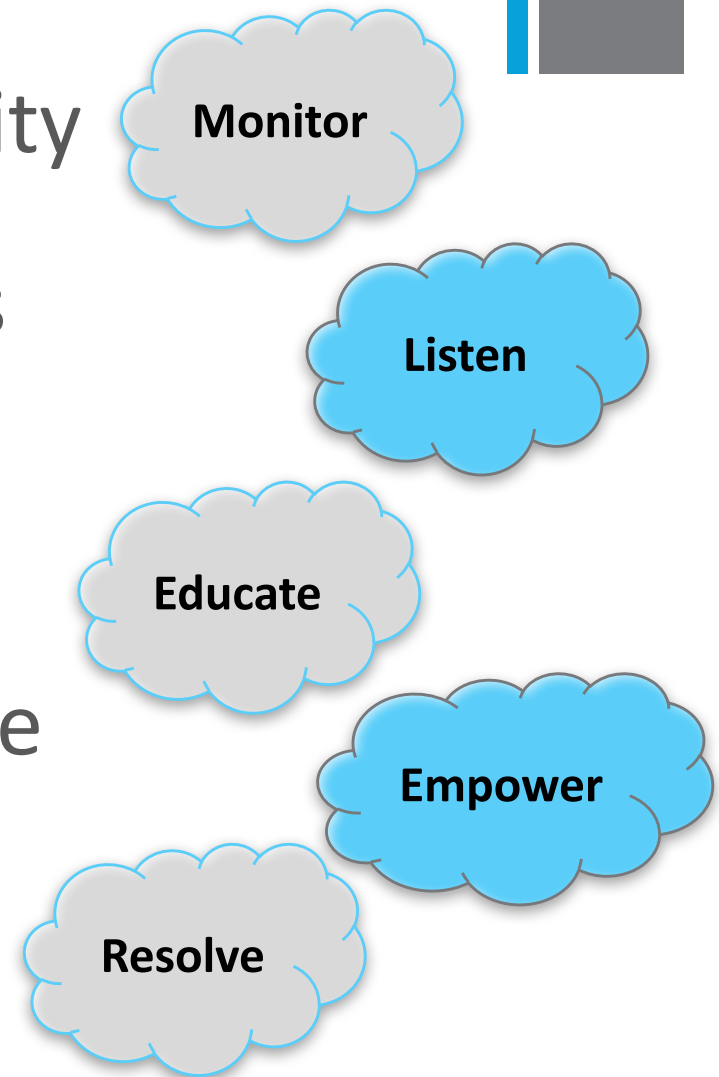
Payment & Quality Assurance system for nursing home care



+ LTC Ombudsman Program

While the LTC Ombudsman Program does not have authority to penalize a facility, Ombudsmen are the **only** ones there on a regular basis to monitor care & provide a voice for residents.

Ombudsmen have a critical role in quality improvement and making sure that residents are protected.



+ Part II: Putting it Together

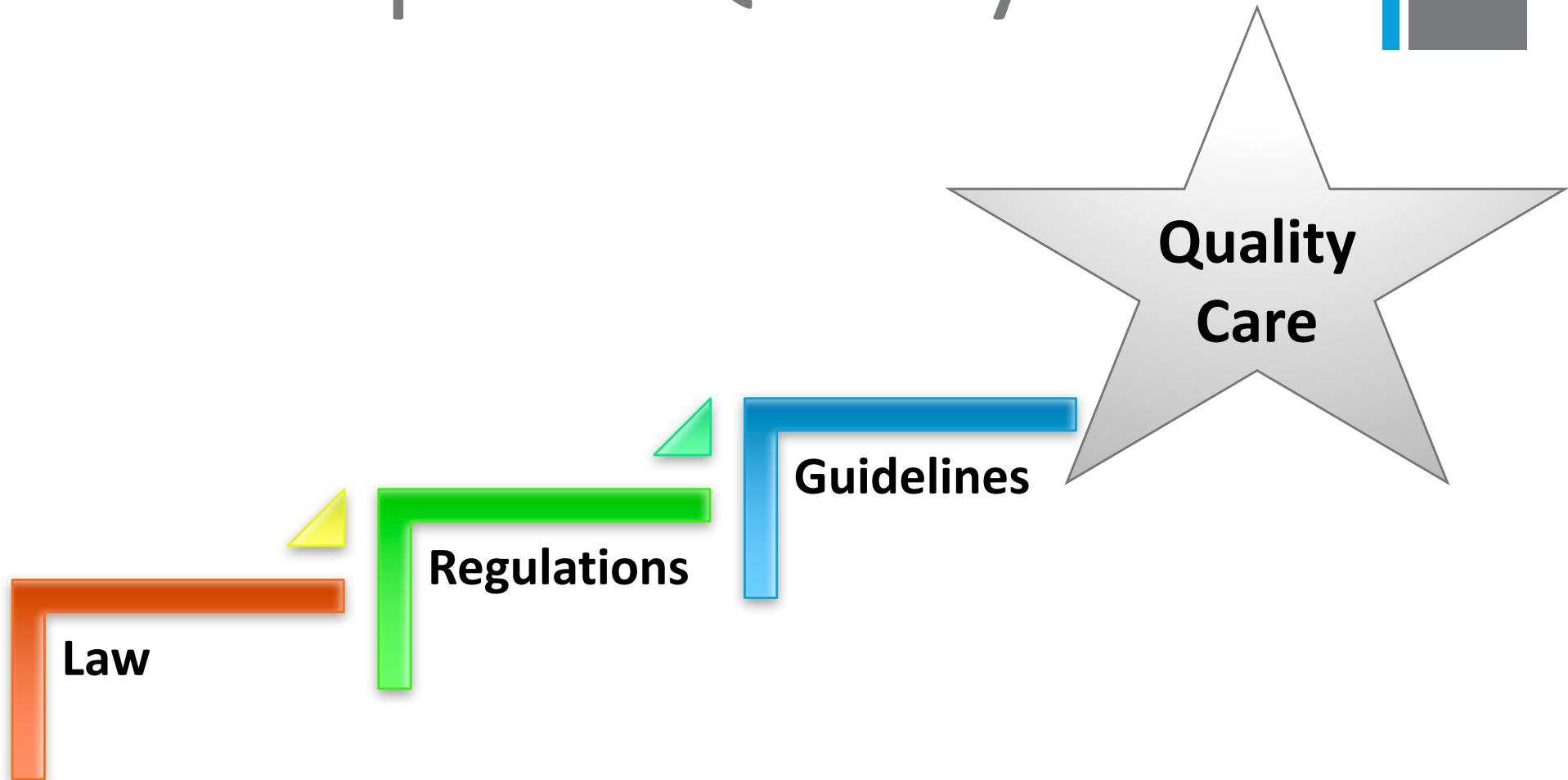
■ We've discussed the foundation for good care:

- The Nursing Home Reform Law
- Oversight Agencies
- The LTC Ombudsman Program

■ Questions:

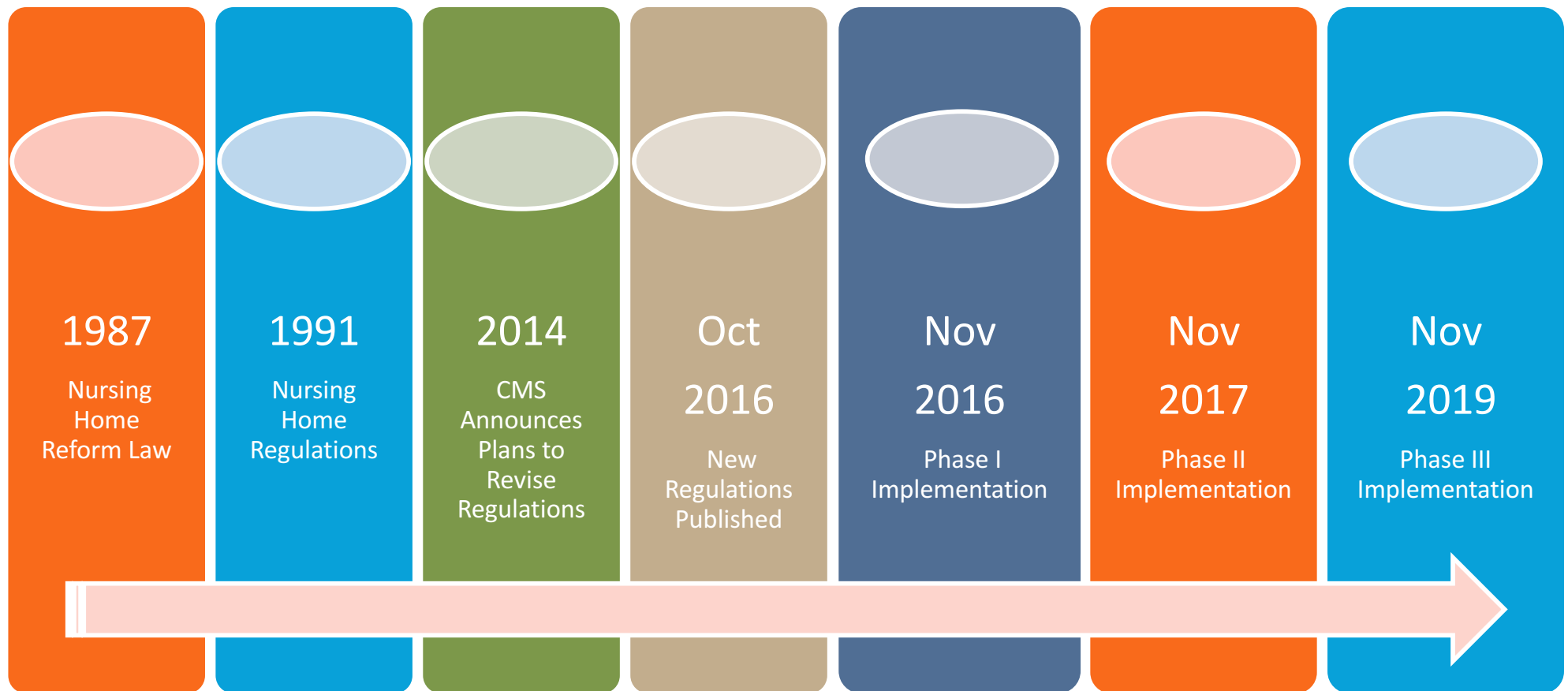
- How do we overcome the challenges to achieving good care and quality of life?
- How can we strengthen the foundation to achieve the promises of the Reform Law: **good care, sufficient staffing and services, dignity, good quality of life?**

+ Putting it Together: The Steps to Quality



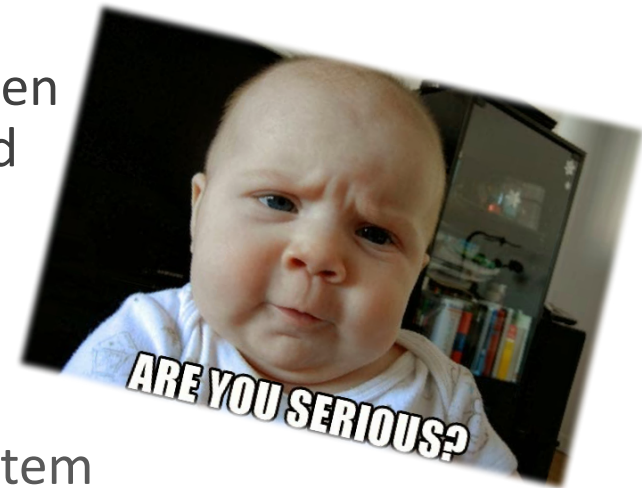
+ What's Happening Now?: New Federal Regulations

The goal of the current changes is to improve quality and reduce resident abuse & neglect by modernizing the steps to quality care.



+ What Does This Mean For Us?

- **All of the Regulations are Changing.** For 25 years everyone – nursing homes, surveyors, ombudsmen and advocates – knew what the rules were and where to find them. That entire structure has changed.
- **All of the Guidelines are Changing.** The federal government has issued extensive guidelines over the years which provide critical instructions on how nursing homes are supposed to carry out the regulatory requirements and what surveyors need to look at when they evaluate a nursing home. This is all being revised right now.
- **All of the F-Tags are Changing.** When a surveyor identifies a problem in care or living conditions in a nursing home, she cites the nursing home using a system called “F-tags” – numbers that correlate with the regulatory requirements. The entire F-tag system is changing too.



+ What Can We Do?

Be as Informed as Possible.

- Now, and for the next several years, we expect that there will be a great deal of confusion and lack of awareness among nursing home staff, administration and surveyors.
- It will be up to **US** to know our rights about quality of care, quality of life and dignity.
- **WE** will need to strengthen our ability to provide a strong voice for quality care and dignity at every level:
 - Residents & Resident Councils
 - Family & Family Councils
 - LTC Ombudsmen Staff & Volunteers
 - Advocates & Organizations that work with Residents & Families

+ The Goal of This Project: To Provide **YOU** With **Knowledge** and **Resources** to Support Your Resident-Centered Advocacy

■ **Knowledge...**

- **Free monthly training programs** for Resident & Family Councils, LTC Ombudsmen and those who work with them.
- Each program will focus on a nursing home standard that is relevant to resident care, dignity or quality of life.

■ **Resources...**

- For every standard we will post a **free handout** on our website that you can use now and in the future to know your rights about a specific issue or standard.
- **Presentation materials** will be posted on the website for future reference.
- We are redesigning our website, www.nursinghome411.org with a **Learning Center for Residents, Families, Ombudsmen** and those who work with them.
- **Technical support for your questions** or concerns on the quality standards via our NYS List-serve and email.

+ Why Should **You** Join The Programs?

- Many nursing homes are already confused about the new standards of care and what they are supposed to be doing for Residents, Families and Ombudsmen.
- The challenges for Surveyors to identify and cite facilities for abuse and neglect will become even greater as the new system is implemented.
- **It will be up to US to know what our rights are and what Residents have a right to expect in every aspect of their care and services.**
- **It will be up to US to make sure that Resident Councils, Family Councils and LTC Ombudsman Program are equipped to provide a strong voice for Residents.**

**Know Your
Rights!**

**Knowledge is
Power!**

Next Program: March 21 at 1pm.

Topic: Resident's Rights
under the new regulations.

- What's new?
- How does this affect care, quality of life and dignity for our residents?



We Can't
Fight For Our
Rights If We
Don't Know
What They
Are.



Thank You For Joining Us Today!

20

Email info@ltccc.org or call **212-385-0355** if you would like to...

- To get alerts & materials for future programs;
- Sign up for our newsletter and action alerts; or
- Join our **list-serve**, open only to residents, families, LTC Ombudsmen and advocates in NY State.

You can also join us on **Facebook** at www.facebook.com/ltccc and follow us on **Twitter** at www.twitter.com/LTCconsumer.

*Sign-Up
Here!*