

**LONG TERM CARE (LTC) E- NEWSLETTER – May 2014: Volume 12, Number 5**

The [LTC E-Newsletter](#) is a monthly electronic newsletter of the [Long Term Care Community Coalition](#). Note to Readers: To go directly to an article, click on its page number in the Table of Contents. Once you are at the article, click on any underlined text for a link to more information or to send a message in “Spotlight on Advocacy.”

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## [New York Times: Medicaid Shift Fuels Rush for Profitable Clients](#)

A report in *The New York Times* on May 8, shines a critical light on the perils associated with the shift to mandatory managed care for Medicaid and Medicare services on which New York and other states are embarking. The article describes the two-fold risk that consumers now face: being directed to services that are poor or inappropriate and being subjected to unfair and even illegal marketing practices. Following is an excerpt from the article:

When Hurricane Sandy flooded two adult homes in Queens, hundreds of disabled, elderly or mentally ill residents were caught in the surge. After weeks in public shelters, they were bused, over their objections, to a dilapidated four-story building called King's Hotel, in a crime-ridden section of Brooklyn.

Many had not showered in days. Crammed three cots to a room, they lacked basics like clean underwear. But in the parallel universe of New York's redesigned Medicaid program, they represented a gold mine.

Business managers from CenterLight Healthcare, a managed care company specializing in long-term services, huddled in a ground floor hotel room, poring over health data and spreadsheets that identified residents by name and room number. At the managers' direction, crews of enrollment nurses tracked down residents to pressure as many as possible to sign up with the company's long-term care plan....

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Adult home residents, like those caught in the hotel, had long been victimized under the old fee-for-service Medicaid system, in which providers were paid for services rendered. Now, under managed care, they find themselves prey to new versions of old tactics, including intimidation to accept services they do not need.

These problems will likely be significantly compounded beginning next month, when the state begins mandating managed care for nursing homes. For instance, New Yorkers will soon find that, rather than being able to go to any of the 600+ nursing homes in the state that participate in Medicaid/Medicare, they will be steered to the facilities with which their managed care plan chooses to contract, no matter how low their staffing levels or quality ratings are. LTCCC's October 2013 report, [Mandatory Managed Care in NY State Nursing Homes](#), presents an overview of issues relevant to managed long term care (MLTC) for nursing homes, as well as useful information and insights into the current state of nursing homes in MLTC, and its implications for communities across the state.

The fact that one of the managed care companies featured in the Times' report, CenterLight, also owns four nursing homes may be helpful to New Yorkers wishing to 'connect the dots' in regard to who are the true beneficiaries of Medicaid Redesign.

[\[http://www.nytimes.com/2014/05/09/nyregion/medicaid-shift-fuels-rush-for-profitable-clients.html? r=0\]](http://www.nytimes.com/2014/05/09/nyregion/medicaid-shift-fuels-rush-for-profitable-clients.html? r=0)

## **[Nursing Home Administrators Do Not Believe That Pay-for-Performance Improves Care Quality or Facility Profitability, Survey Shows](#)**

A survey of over 2,400 nursing home administrators found that the majority do not believe that so-called “pay-for-performance” initiatives either improve care or improve a facility’s bottom line. Pay-for performance (also known as “value-based purchasing”) is an incentive in which facilities are given a bonus for either meeting certain quality criteria or improving substantially on those criteria.

According to the McKnight’s April 21, 2014 report on the study, which was published in the *Journal of Aging and Social Policy* (and available for free on-line at <http://www.ncbi.nlm.nih.gov/pubmed/24716862>), “[a]dministrators in states that already were working under pay-for-performance had a ‘significantly lower’ opinion of the approach than administrators in other states, the researchers discovered. These administrators felt that deserving providers were being penalized and that it was hard to anticipate which facilities would earn rewards.”

[<http://www.mcknights.com/nursing-home-administrators-do-not-believe-that-pay-for-performance-improves-care-quality-or-facility-profitability-survey-shows/article/343361/>]

## **[Federal Agency for Healthcare Research & Quality Updates Quality Measure for Drugging of Elderly With Dementia](#)**

On April 14, 2014 the Agency for Healthcare Research and Quality (AHRQ, part of the [US Department of Health & Human Services](#)), updated the National Quality Measure on “Potentially harmful drug-disease interactions in the elderly: percentage of Medicare members 65 years of age and older who have a diagnosis of dementia and a prescription for antiemetics, antipsychotics, benzodiazepines... [and/or certain other psycho-pharmaceuticals].

[<http://www.qualitymeasures.ahrq.gov/content.aspx?id=47207>]

## **[Article in The New York Times Features Digital Advanced Directives Options](#)**

On April 24, 2014, *The Times’* “New Old Age Blog” ran an article on applications that can be used to store – and retrieve in an emergency situation – advanced care directives. The article lists and discusses several ways in which one can store directives for oneself or others. As the article notes, “Only a minority of Americans have created such documents, but even when they do, ‘they aren’t as useful as intended unless you’ve taken the next step and made it available to people at the time the problem comes up.’”

[<http://www.nytimes.com>]

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## [Spotlight on Advocacy: Speak Out to Support Safe Staffing Standards in NY State](#)

Nursing homes in New York and across the country too often fail to provide safe care and a dignified quality of life for their residents. The problem in many facilities is lack of staffing - about 90% of the nursing homes in NY do not have enough staff to provide adequate care for their residents! Yet New York persists in being one of the minority of states that does not mandate minimum safe staffing. Why won't New York's political leaders stand up for basic safety and dignity for nursing home residents?

As discussed in our [March LTC E-News](#), a recent study by the U.S. Office of the Inspector General found that there is an enormous rate of harm experienced by short-term Medicare residents in nursing homes – an astounding 33% were harmed within 35 days of arriving in a facility. The Inspector General found that this harm was the result of “substandard treatment, inadequate resident monitoring, and failure or delay of necessary care.” [For more information on this shocking report and LTCCC's Press Release, *Nursing Home Penalties Drop 33% in 2013 as New Federal Study Finds One in Three Harmed in Nursing Home Rehab*, go to <http://www.nursinghome411.org/?articleid=10079>.]

We believe that it is about time that NY join with the large majority of states and pass minimum staffing standards for the nursing homes caring for vulnerable elderly and disabled individuals. Now that NY will begin mandating private Managed Care for nursing home access this year, a base staffing standard is even more crucial. Please send a quick message now in support of decent staffing standards – [click here](#) or go to [http://capwiz.com/nhccnys/issues/alert/?alertid=62598586&MC\\_plugin=3202](http://capwiz.com/nhccnys/issues/alert/?alertid=62598586&MC_plugin=3202). You can also contact Governor Cuomo directly at: U.S. Mail: State Capitol, Albany, NY 12224; Phone: 518-474-8390 or E-Mail: <http://governor.ny.gov/contact/GovernorContactForm.php>.

**Please note: Now that we are coming to the end of the legislative session, it is critical that legislators and Governor Cuomo hear from as many people as possible that this is an important issue!**

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### We're on the Web!

[www.ltccc.org](http://www.ltccc.org): Our main website, with access to all of our issues, policy briefs and research.

[www.assisted-living411.org](http://www.assisted-living411.org): For information on assisted living, including consumer issues and policies.

[www.nursinghome411.org](http://www.nursinghome411.org): For information on developments in nursing home care, regulation and policy issues.

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### LTCCC Links of Interest

[View](#) the latest enforcement actions against nursing homes in New York State.

[Read](#) the latest edition of LTCCC's quarterly newsletter, *The Monitor*.

LTCCC's dedicated [webpage on antipsychotic drugs and dementia care](#).

Latest LTCCC Reports

[\*\*\*Antipsychotic Drug Use in NY State Nursing Homes: An Assessment of Progress in the National Campaign to Reduce Drugs and Improve Dementia Care\*\*\*](#)

[\*\*\*NY State Nursing Homes in Managed Long Term Care\*\*\*](#)

[\*\*\*The New York State Long Term Care Ombudsman Program: An Assessment of Current Performance, Issues & Obstacles\*\*\*](#)

[\*\*\*Piecing Together Quality Long-Term Care: A Consumer's Guide to Choices and Advocacy in New York\*\*\*](#)

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