

LONG TERM CARE (LTC) E- NEWSLETTER – November 2014: Volume 12, Number 10

The LTC E-Newsletter is the monthly email 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.

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**[Study Finds Nursing Home Infection Rates Have Increased Across the Board; Hepatitis Has Surged 50%](#)**

On October 9, [McKnight's](#) reported that a new Columbia University/RAND Corporation study found that:

The rate of nursing home infections increased during a recent five-year period, with especially dramatic surges in multi-drug resistant organisms and viral hepatitis.... The prevalence of [viral hepatitis](#) in nursing homes increased 48% between 2006 and 2010, the investigators determined. MDRO prevalence increased by 18% and pneumonia by 11%. The rates of urinary tract infections, septicemia and wound infections also rose.

“Infections are a leading cause of deaths and complications for nursing home residents, and with the exception of tuberculosis we found a significant increase in infection rates across the board,” said lead study author Carolyn Herzig....

Further research is needed to determine the cause of this troubling trend, the authors said. They emphasized that potential residents and their families should look for facilities with strong infection control practices, including protocols to limit catheterization, easy access to hand sanitizers and isolation rooms for infected residents.

[\[http://www.mcknights.com/nursing-home-infection-rates-have-increased-across-the-board-hepatitis-has-surged-50-columbia-researchers-find/article/376202/\]](http://www.mcknights.com/nursing-home-infection-rates-have-increased-across-the-board-hepatitis-has-surged-50-columbia-researchers-find/article/376202/)

**[Federal IMPACT Act to Improve Nursing Home Compare & Home Health Care Standards](#)**

On October 6, President Obama signed into law the Improving Medicare Post Acute Care Transformation Act of 2014 (IMPACT Act) which (1) provides funding for improvements in the quality of information on [Nursing Home Compare](#), the national resource for nursing home quality information, and (2) strengthens rules and regulations for home health care providers.

**Planned Improvements to Nursing Home Compare**

*Background*

Nursing Home Compare is, by far, the most valuable resource to help the public access information on nursing homes in their communities. It includes information on inspection results, quality of care measures, staffing levels and ownership. However, the accuracy of important portions of this information is questionable, thus undermining the value of the ratings and the resource overall.

LTCCC and other consumers have long been concerned by the fact that much of the data are self-reported by nursing homes and not audited by either CMS or the state agencies. For instance, information on staffing provided on the website are self-reported by the nursing homes for the two weeks leading up to their annual survey (inspection). Neither CMS nor the states take steps to verify that the reported rates are accurate. Quality measures, also unaudited and self-reported, often seem to have little relation to the quality of care a nursing home is actually providing. The third pillar of the rating system, survey findings, is undermined by the fact the nursing home problems, including severe abuse and neglect, are frequently under-rated by state surveyors across the country.

#### *What is Happening Now?*

The Affordable Care Act (so-called “Obamacare”) required that Nursing Home Compare publish accurate staffing data based on nursing home payroll data. Though this law has been in place for almost five years, CMS has failed to implement it. The IMPACT Act provides specific funding for implementation of a payroll based reporting system, so that the public can have a more accurate idea of the staffing levels in the nursing homes in their communities. According to the fact sheet from the White House, “CMS expects that pilot testing will occur in fiscal year (FY) 2015, with nationwide reporting by all nursing homes by the end of FY2016.”

The White House fact sheet also detailed the following planned improvements to Nursing Home Compare:

**Nationwide Focused Survey Inspections:** In FY 2014 CMS piloted special surveys of nursing homes that focused on verifying performance on resident assessments and the data set that is used in the quality measures. Effective January 2015, CMS and states will implement these focused survey inspections nationwide for a sample of nursing homes nationwide. Expansion of these inspections will enable better verification of both the staffing and quality measure information that is part of the Five-Star Quality Rating System.

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**Improved Scoring Methodology:** CMS will revise the scoring methodology by which we calculate each facility’s Five Star rating. The revised scoring methods will place more emphasis on data that is verified by independent sources rather than data that is self-reported by nursing homes.

**Timely and Complete Inspection Data:** CMS will also strengthen requirements to ensure that states complete inspections of nursing homes in a timely and accurate manner, and maintain a user-friendly website for public viewing.

**Additional Quality Measures:** CMS will increase both the number and type of quality measures used in Nursing Home Compare. The first additional measure starting January 2015 in the ratings system will be the extent to which anti-psychotic medications are in use. More measures will be added later, including data on re-hospitalization and rates of returning beneficiaries to home that use Medicare claims as the source of information.

[Emphases added.]

Editor's Note: Persistent and widespread problems with the "third pillar" of the NH Compare rating system (mentioned above), nursing home enforcement, is not addressed by this law.

### **Planned Improvements to Home Health Care Rules**

CMS issued a proposed rule for home health care providers with the goals of: strengthening patient rights, improving communication, and increasing the focus of practice on patient well-being. According to the White House fact sheet,

These updates to home health agency conditions of participation (CoPs) make substantial revisions to the existing CoPs. They focus on the care needs of patients and will clarify the operational and quality expectations for the approximately 12,500 home health agencies participating in Medicare. There are more than five million people with Medicare and Medicaid benefits who receive home health care services each year.

***The proposed regulation, will include these proposed updates:***

- A clear explanation of patient rights, including a requirement to communicate with patients in a language and manner that they understand, and a requirement that home health agencies must take measures to assure and protect those rights.
- An expanded comprehensive patient assessment requirement that focuses on all aspects of patient well-being.
- An integrated communication system, increasingly enabled by health information technology, that ensures that patient needs are identified and addressed, care is coordinated among all disciplines, and that there is active, timely, needs-based communication between the home health agency and the physician.
- A data-driven, agency-wide quality assessment and performance improvement program that continually evaluates and improves agency care for patients.

- An expanded patient care coordination requirement that makes a licensed clinician responsible for all patient care services, such as coordinating referrals and assuring that plans of care meet each patient’s needs at all times.

Comments and feedback are requested to inform final rulemaking in 2015.

[Emphasis in original. To comment, visit

<https://www.federalregister.gov/articles/2014/10/09/2014-23895/medicare-and-medicaid-program-conditions-of-participation-for-home-health-agencies>. Note:

comments are due by December 8, 2014.]

[<http://www.whitehouse.gov/the-press-office/2014/10/06/fact-sheet-administration-announces-new-executive-actions-improve-qualit>]

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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](#).

## LTCCC Reports & Resources

[\*Improving Nursing Home Care: Consumer Priorities for CMS\*](#) (Policy brief of the [Coalition for Quality Care](#), written by LTCCC's executive director, Richard Mollot)

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

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