

# MONITOR

Working to improve long term care through research, education & advocacy

www.ltccc.org • WINTER 2008/09



## Assisted Living Providers Sue the State

As readers of *The Monitor* know, on March 26, 2008 Department of Health Commissioner Richard Daines issued the final regulations interpreting and implementing NY State’s assisted living law, which had passed in October 2004. The law created guidelines for the Department of Health to promulgate regulations for assisted living residences, including requirements for

facilities that want to care for people with dementia (such as an Alzheimer’s unit) or who wish to “age in place” (remain in the facility as they become more frail). The law also required that



a task force be set up to help formulate the regulations to best implement the act. Chaired by representatives from the Department of Health and State Office for the Aging, the majority of this task force is made up of providers and individuals representing provider interests. LTCCC’s former executive director, Cynthia Rudder (now semi-retired and serving as LTCCC’s Director of Special Projects), has served as

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## NY State Awards Grant to Nursing Home With Poor Record

The Van Allen Nursing Home in Little Falls, NY, was awarded a \$49,490 grant from the New York State Department of Labor Workforce Investment Board to provide a culture change training and education program for its employees. This comes only months after a state survey uncovered many serious problems at the nursing home. These included citations for failure to meet

minimum standards on numerous criteria essential for resident safety and well being, such as:

**“As advocates for vulnerable residents, we are outraged.”**

- Failure to make sure that residents are well nourished;
- Failure to “Give residents proper treatment to prevent new bed (pressure) sores or heal existing bed sores;”
- Failure to “Store, cook, and give out food in a safe and clean way;”
- Failure to “Make sure that residents are safe from serious medication errors;” and
- Failure to “Have a program to keep infection from spreading.”

Medicare.gov, the federal government’s nursing home information website (from which the above information was obtained) also reports that Van Allen maintains an average of only 25 minutes a day per resident of licensed nursing staff. The state average is over 300% higher. [It is important to note that these staffing data are self-reported by nursing homes and not independently verified.]

According to an article on the award published in *The Evening Times* of Little Falls, the person who will be running the program thanked local NY State Assemblyman Marc Butler and the state labor department for “providing this grant.” The article also quot-

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## NY State Awards Grant...

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ed Assemblyman Butler as saying “You have a great facility here.”

LTCCC is a strong supporter of nursing home culture change, and of supporting nursing homes that are working to make their culture more home-like and better places to both live and work. However, when a facility is found to have provided substandard care and put its residents in immediate jeopardy - which will presumably result in significant fines – how can we at the same time reward it with additional money? This sends a very bad message to the nursing home industry – which sees a very poorly performing nursing home being awarded additional money (that will offset the impact of impending fines) and to citizens in the community, who read a glowing report in their local paper and are given the impression that a nursing home is a safe and good place to live or work. In addition, is this a good use of state money? Can a facility with such a poor record accomplish the goals of the project? As advocates for vulnerable residents,

we are outraged. As taxpayers, we are wondering why the state is giving more money to a facility that is failing to do the job for which it is already being paid and who probably will be unable to succeed in fulfilling the requirements of the grant.



If you live in the Otsego, Herkimer or Fulton areas, contact Assemblyman Marc Butler, and ask him why he supported this nursing home and a large financial award when it failed to provide the minimum care and safety for which we are already paying. Let him know that you are very concerned. Urge him to support minimum nursing home staffing standards, which will truly improve care for residents. Call him at 518-455-5393 or send a note to LOB 318, Albany, NY 12248.

Visit [www.nursinghome411.org](http://www.nursinghome411.org) for your free toolkit to speak out for safe staffing standards for nursing homes. Standards are needed to ensure that nursing homes hire enough staff to care for their residents safely. □

### ↳ **Late Breaking News: NY State Releases CMP Funds**

The NYS Department of Health has awarded \$1.5 million from the state’s nursing home quality improvement fund – consisting of civil money penalties collected from poorly performing nursing homes – for 37 projects to benefit nursing home residents across the state. At the time this newsletter went to press, no details were yet released about the specifics of the projects chosen and how they would benefit New York’s nursing home residents.

LTCCC was glad that the state released the funds and that projects were chosen with the goal of benefiting residents across the state. However, we were disappointed that virtually all awardees were nursing home or hospital providers – some with a record of providing substandard care – while none were consumer groups. See future issues of *The Monitor* for more information or join LTCCC’s CMP Stakeholder Group to be kept up to date on all the latest developments by going to [www.nursinghome411.org/CMPPProject/](http://www.nursinghome411.org/CMPPProject/). □

# LTCCC

**LONG TERM CARE COMMUNITY COALITION**

*Working to improve long term care through research, education & advocacy*

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## Shopping for the Holidays?



### Shop Online *and* Support LTCCC for FREE!

**It's easy! It's safe! No cost to you!  
Hundreds of stores!**

Go to [www.ltccc.org](http://www.ltccc.org), [www.assisted-living411.org](http://www.assisted-living411.org) or [www.nursinghome411.org](http://www.nursinghome411.org) and click on the blue button on the right-hand side that says "Shop and Support LTCCC." This takes you to our page on iGive.com, an Internet "shopping mall" that allows you to shop securely at stores that have agreed to make a donation.

To start shopping, the first time only, go to the top of the right-hand side of that page and enter your email address under "Join Here."

Not only will you help us and long term care consumers, you will also be able to take advantage of special offers available through iGive, such as discounts on merchandise and shipping, etc...

## LTCCC Membership

The Long Term Care Community Coalition is a coalition comprised of over two dozen consumer, civic and professional organizations as well as a number of individuals who join LTCCC to support our work. Members are welcome to participate in our committees which work to address significant long term care issues and can also join us at our bi-monthly general Coalition meetings.

Following are our organizational members. If you are interested in joining our work to improve long term care, please call us at 212-385-0355.

AARP - New York State Legislative Committee  
Alzheimer's Association - NYC Chapter  
Brooklyn-Wide Interagency Council of the Aging  
Center for Independence of the Disabled  
in New York, Inc  
The Center for Policy & Advocacy of the MHAs  
of NYC & Westchester  
Coalition of Institutionalized Aged and Disabled  
Disabled in Action  
Hands On! The Hudson Valley Ombudsman  
Program  
Friends and Relatives of Institutionalized Aged  
Grey Panthers  
JPAC for Older Adults  
Manhattan Borough Wide InterAgency  
Council on Aging

Mental Health Association - Long Term Care  
Ombudsman Program  
National Multiple Sclerosis Society - NYC  
Chapter  
New York Citizens' Committee on Aging, Inc.  
New York State Coalition of Alzheimer's Assoc.  
New York State Nurses Association  
New York StateWide Senior Action Council  
Ombuds-service Family and Children's Association,  
Nassau County  
Ombuds-service Family Service League, Suffolk  
County  
Ombudsman Program, Rockland County  
PHI  
Schuyler Center for Analysis and Advocacy  
United Hospital Fund  
Women's City Club of New York

## Assisted Living...

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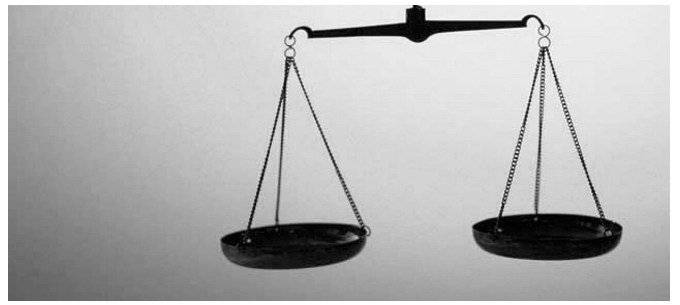
a strong voice for consumer interests on the task force, working over the years with LTCCC's Assisted Living Committee to develop positions on the many issues that will affect consumers for years to come.

Unfortunately, despite substantial input by providers and industry lobbyists in both the development of the law and the development of the regulations, two of the major industry associations, The Empire State Association of Assisted Living (ESAAS) and the New York Coalition for Quality Assisted Living (NYCQAL), have filed separate lawsuits seeking to invalidate these regulations. From a consumer perspective, LTCCC is deeply disappointed that, after so many years of negotiation and compromise to obtain a law that helps New York's families (as well as the assisted living industry), certain providers have taken this step that, if successful, will jeopardize the standards and requirements that so many New York families need and want so that they can feel secure when a loved one moves to an assisted living community.

While the providers' arguments are wide-ranging, they focus on the contention that the regulations promulgated overstep the intent of the law that was passed in 2004. Since, as mentioned above, providers had a powerful role in the development of these regulations, this seems to be a rather perplexing argument to make. It begs the question: are they implying that they and their own lobbyists did a poor job for the 3 ½ years that they sat on the state task force developing these regulations or is it more along the lines of the child who doesn't win (everything) and, rather than accept compromise, scoops up his marbles and heads home?

For instance, because the final regulations require that facilities that choose to provide care to people with enhanced or special needs are required to hire one registered nurse, the providers are arguing that the final regulations have fundamentally altered the ALR Act. They claim that if they comply with the regulations they would be violating New York State Public Health Law which would require an Assisted Living Residence to be licensed as a nursing home if it provides nursing care to its residents.

It is hard to see how a single nurse filling one full time position in an entire assisted living community is tantamount to the provision of skilled nursing serv-



ices, especially since (in the compromise worked out with providers at the table) this nurse can perform other duties (such as be an administrator). The point of having a registered nurse in the community, from LTCCC's Assisted Living Committee's perspective, is not to provide skilled nursing care but to ensure that there is at least one person in the residence on a regular basis that has the skills and knowledge necessary to provide some sort of an assessment of the residents. Given the fact that people with enhanced or special needs are, by definition, more frail and more likely to have changing health issues, we believe that it is crucial that facilities seeking the special certification to care for these populations have at least one registered nurse on staff.

LTCCC believes that not only are the final regulations authorized by the ALR Act, they are also necessary to ensure that residents who have dementia or are aging in place are able to do so in an environment with the proper safe guards to ensure their health and safety. The ALR Act provides that licensed facilities are authorized to hire care staff and we believe that the Department's regulations are in keeping with this legislative authorization.

To fight these attempts to weaken crucial parts of the regulations, LTCCC is engaging the Department of Health and planning on filing briefs with the court in support of the regulations. Look to future issues of *The Monitor* for more news as this story progresses.



***If you are an organization,*** please contact us at [info@ltccc.org](mailto:info@ltccc.org) if you are interested in joining us in filing an amicus brief in these cases.

***If you are a member of LTCCC,*** join one of our committees addressing these issues and help us to present a strong consumer voice on policy and legal developments. Contact [info@ltccc.org](mailto:info@ltccc.org) for more information. □

## Nursing Home Reimbursement Project Moves Ahead

We are very pleased to announce the completion of the Stage I of our Nursing Home Medicaid Reimbursement Project, the initiation of which was announced in the last newsletter. This project is funded by the New York Community Trust. Since its initiation earlier this fall, we have made rapid progress. Stage I involved the collection, organization and analysis of information from the 35 states which currently use the case mix reimbursement system.

This information, focusing on what incentives each state was using to encourage access, quality and efficiency, was collected directly from state statutes and regulations and provider manuals issued by the state agencies. Information not available from these sources was gathered from state staff. In addition, a survey of the citizen advocacy groups and state ombudsmen of all the states was conducted to get their perspective (i.e., what is good about the system in their state, what should be changed and how can the overall quality of care be improved?). We received a response rate of 84%, indicating the

immense importance of the issue to consumers across the country.

Our advisory committee, made up of consumers, providers, a former

NY Department of Health director and a researcher, has also been working hard. A second committee meeting was held on September 15, 2008 to discuss the findings of Stage I and to decide the next steps in terms of transitioning into Stage II – an in-depth study of a number of states with unique ways of encouraging good care.

For Stage II of this project, we have selected seven states for an in-depth study of their systems. We have developed a series of questions for state workers and we are setting up telephone interviews. Our goal is to find out why they implemented their different incentives and what the outcomes have been.

Once we have finished this stage we will make our recommendations to New York State, which will focus on suggesting modifications to our reimbursement system so that it encourages better nursing home care. □

## Do You Have Complaints About A Court Appointed Guardian?

Some incapacitated residents in nursing homes and assisted living facilities have court appointed guardians who have been selected to act on their behalf. Under Article 81 of the Mental Hygiene Law, a guardian must:

- Make at least 4 visits a year to the incapacitated person or more frequently as specified in the court order;
- Afford the incapacitated person the greatest amount of independence and self-determination with respect to property management in light of that person's functional level, understanding and appreciation of his or her functional limitations, and personal wishes, preferences and desires with regard to managing activities of daily living;
- Preserve, protect, and account for such property and financial resources faithfully; and
- Use the property and financial resources and income available to maintain and support the incapacitated person, and to maintain and support those persons dependent upon the incapacitated person.

The Managing Inspector General for Fiduciary Appointments (part of the Office of Inspector General) investigates allegations of unsatisfactory performance or conduct incompatible with an individual's appointment as a guardian. All complaints are kept confidential to the extent practicable. If an allegation is substantiated, the matter is referred for action by the office. This may include the removal of that appointee's name from the list maintained by the courts or referral to a law enforcement or disciplinary agency. □



*File a complaint...*

Managing Inspector General for  
Fiduciary Appointments, Office of  
Court Administration,  
25 Beaver Street, NY, NY 10004

E-Mail: [fid-help@courts.state.ny.us](mailto:fid-help@courts.state.ny.us)

Phone: 1-866-FID-3226



## Enforcement Actions Against Nursing Homes

### CIVIL MONEY PENALTIES<sup>1</sup> AGAINST 8 NURSING HOMES: 6/1/08 – 8/31/08<sup>2</sup>

NAME OF HOME	LOCATION	SURVEY DATE	AMOUNT
Beechwood Homes	Getzville	3/4/08	\$2,925.00 <sup>3</sup>
The Crossings Nursing and Rehabilitation Center	Minoa	10/25/07	\$13,300.00 <sup>4</sup>
Glen Island Center for Nursing and Rehabilitation	New Rochelle	2/29/08	\$3,575.00 <sup>3</sup>
The Hamptons Center for Rehabilitation and Nursing	South Hampton	4/21/08	\$6,500.00 <sup>3</sup>
Nathan Miller Center for Nursing Care	White Plains	2/6/08	\$715.00 <sup>3</sup>
St. Joseph Nursing Home	Utica	2/4/08	\$33,377.50 <sup>3</sup>
Terence Cardinal Cooke Health Care Center	Manhattan	3/19/08	\$4,875.00 <sup>3</sup>
Wingate at Beacon	Beacon	2/5/08	\$49,815.00 <sup>5</sup>

<sup>1</sup> Civil Money Penalties (CMPs) – a federal sanction against nursing homes that fail to comply with quality care requirements.

<sup>2</sup> As reported by CMS. For more detailed information contact the FOIA Officer at CMS 212-616-2345. This list will be posted on LTCCCs website every three months.

<sup>3</sup> Amount reflects a 35% reduction as the facility waived its right to a hearing as permitted under law.

<sup>4</sup> Fine imposed in accordance with settlement agreement between CMS and the facility.

<sup>5</sup> Reduced due to financial hardship.

### STATE FINES AGAINST 23 NURSING HOMES: 6/15/08 – 9/19/08<sup>1</sup>

NAME OF HOME	LOCATION	DATE OF SURVEY	AMOUNT <sup>2</sup>
Blossom South Nursing & Rehab	Rochester	12/31/07	\$2,000
Cuba Memorial Hospital Inc., SNF	Cuba	11/15/07	\$6,000
Eastchester Rehab and HCC, LLC	Bronx	1/15/08	\$2,000
Livingston County Center for Nursing	Mt. Morris	1/9/08	\$2,000
Mayfair Care Center	Hempstead	1/30/08	\$2,000
Morningside House Nursing Home Co., Inc.	Bronx	8/21/07	\$6,000
NYS Veterans Home at St. Albans	Queens	9/25/07	\$2,000
Northwoods Rehab ECC – Cortland	Cortland	3/29/07	\$1,000
Northwoods Rehab ECC – Cortland	Cortland	11/29/07	\$2,000
Northwoods Rehab ECC – Troy	Troy	9/18/07	\$2,000
Northwoods Rehab ECC – Rosewood Gardens	Rensselaer	11/19/07	\$2,000
Our Lady of Consolation Geriatric Care Center	West Islip	1/25/08	\$2,000
The Pines Healthcare and Rehab	Machias	12/7/07	\$6,000
Riverview Manor HCC	Owego	11/16/07	\$2,000
Rosewood Heights Health Center	Syracuse	8/15/07	\$2,000
Sarah Neuman Center for HC and Rehab	Mamaroneck	1/18/08	\$2,000
St. Camillus Residential HCF	Syracuse	8/24/06	\$1,000
St. Catherine of Siena Nursing Home	Smithtown	1/4/08	\$2,000
Stonehedge Health and Rehab Center	Rome	8/31/07	\$6,000
Victory Lake Nursing Center	Hyde Park	11/8/07	\$2,000
Waterview Nursing Care Center	Queens	10/3/07	\$4,000
Wesley Gardens Corporation	Rochester	11/29/07	\$1,000
Whittier Rehab & Skilled Nsg. Center	Ghent	6/7/07	\$1,000
Williamsbridge Manor Nursing Home	Bronx	12/19/07	\$1,000

<sup>1</sup> As reported by the Department of Health (DOH). For more detailed information call the DOH FOIL Officer at 518-474-8734 or e-mail – [nhinfo@health.state.ny.us](mailto:nhinfo@health.state.ny.us).

<sup>2</sup> Under state law nursing homes can be fined up to \$2,000 per deficiency.



# Enforcement Actions Against Nursing Homes

## The State Took Other Action Against 28 Nursing Homes 6/15/08 - 9/13/08<sup>1</sup>

Name of Home	Location	Resident Impact <sup>2</sup>	Survey Date	Actions <sup>3</sup>
Adirondack Med. Center-Uihlein	Lake Placid	IJ	8/8/08	CMP, DPOC, Inservice, DOPNA
Beechtree Care Center	Ithaca	IJ	9/12/08	CMP, State Monitor, DOPNA
Beechwood Homes	Getzville	GG	6/12/08	DOPNA
Blossom Healthcare Center	Rochester	IJ	9/4/08	CMP, State Monitor, DOPNA
Blossom South	Rochester	Cont'd Def	4/29/08	CMP, DPOC, Inservice, DOPNA
Carthage Hospital SNF	Carthage	IJ	7/24/08	CMP, State Monitor, DPOC, Inservice, DOPNA
Champlain Valley Physicians Hospital SNF	Plattsburg	IJ <sup>4</sup>	8/20/08	CMP, DPOC, Inservice, DOPNA
Daughters of Jacob	Bronx	IJ <sup>5</sup>	6/13/08	CMP
Fieldston Lodge	Bronx	IJ	8/26/08	CMP, State Monitor, DPOC, Inservice, DOPNA
Folts Home	Herkimer	IJ	9/2/08	CMP, DPOC, Inservice, DOPNA
Garden Gate	Cheektowaga	IJ <sup>4</sup>	7/17/08	CMP, DPOC, DOPNA
Glendale Home	Scotia	SQC	9/10/08	CMP, DPOC, Inservice, DOPNA
Gold Crest Care Center	Bronx	IJ	8/26/08	CMP, State Monitor, DPOC, Inservice, DOPNA
Golden Gate	Staten Island	IJ	6/27/08	CMP, DPOC, Inservice, DOPNA
Heritage Commons	Ticonderoga	IJ	6/27/08	CMP, State Monitor, DPOC, Inservice, DOPNA
Hornell Gardens	Hornell	Cont'd Def	6/25/08	CMP, DOPNA
Julie Blair	Albany	IJ	6/30/08	CMP, State Monitor, DPOC, Inservice, DOPNA
Loretto-Utica	Utica	IJ	6/30/08	CMP, State Monitor, DPOC, Inservice, DOPNA
Medford Multicare	Medford	GG	6/12/08	DPOC, DOPNA
Mt. Loretto	Amsterdam	IJ	9/12/08	CMP, State Monitor, DOPNA
Northwoods-Cortland	Cortland	GG	5/13/08	DPOC, Inservice, DOPNA
Northwoods-Troy	Troy	GG	8/20/08	DPOC, Inservice, DOPNA
Norwegian Christian Home	Brooklyn	IJ <sup>4</sup>	8/6/08	CMP, DPOC, Inservice, DOPNA
Oneida Healthcare	Oneida	GG	7/8/08	DPOC, Inservice
Pearl & Everett Gilmour	Norwich	GG	6/26/08	DPOC, Inservice, DOPNA
St. Camillus	Syracuse	IJ <sup>4</sup>	7/31/08	CMP, State Monitor, DOPNA
Summit Park NCC	Pomana	IJ	9/5/08	CMP, State Monitor, DOPNA
Wayne Co. Nursing Home	Lyons	IJ	8/7/08	CMP, DPOC, DOPNA

<sup>1</sup> As reported by the Department of Health (DOH). For more detailed information call the DOH FOIL officer at 518-474-8734 or e-mail – [nhinfo@health.state.ny.us](mailto:nhinfo@health.state.ny.us).

<sup>2</sup> Immediate Jeopardy (IJ) and substandard quality of care (SQC): The most serious level of deficiency causing harm; GG: Deficiencies that have caused isolated resident harm on two consecutive surveys; Continued Deficiency (Con't Def): Deficiencies continue at post survey inspection and/or new deficiencies found.

<sup>3</sup> Civil Money Penalty (CMP): State recommends to CMS; Denial of Payments for New Admissions (DoPNA): Facility will not be paid for any new Medicaid or Medicare residents until correction; Directed Plan Of Correction (DPOC): A plan that is developed by the State or the Federal regional office to require a facility to take action within specified timeframes. In New York State the facility is directed to analyze the reasons for the deficiencies and identify steps to correct the problems and ways to measure whether its efforts are successful; In-Service Training: State directs in-service training for staff; the facility needs to go outside for help; State Monitoring: state sends in a monitor to oversee correction; Termination means the facility can no longer receive reimbursement for Medicaid and Medicare residents.

<sup>4</sup> Immediate jeopardy was corrected prior to the end of the survey. State will pursue enforcement.

<sup>5</sup> Immediate Jeopardy was found in survey to have been corrected prior to the survey team entering the facility. State will pursue enforcement.

## Reporting Live From An Adult Home Near You

*“Hello, this is Irene Kaplan of WCIAD reporting from Surf Manor...”*

So begins a video shoot by what looks like a TV news crew on the sidewalk in front of Surf Manor, an adult home in Coney Island, Brooklyn. But the reference to “WCIAD” is tongue-in-cheek; this is a CIAD Media Team production and all involved – the two camera operators, the reporter and the person being interviewed – are adult home residents or former residents, as well as Policy Committee members of CIAD, the Coalition of Institutionalized Aged and Disabled. CIAD is a member organization of LTCCC. Its executive director, Geoffrey Lieberman, serves on several LTCCC committees and is president of LTCCC’s board of directors.

The topic of the shoot at Surf Manor is QUIP – the Quality Incentive Payment Program – a grant program for adult homes administered by the NYS Department of Health. The QUIP program is an important opportunity for residents and CIAD wants them to know about it. Today the CIAD Media Team is conducting interviews with resident council presidents at four adult homes on how they have handled the QUIP application process. CIAD organizers will use the resulting video to motivate more resident council officers to participate in the QUIP process.

As with all CIAD video projects, the QUIP project exemplifies three benefits of media production for CIAD – leadership training, resident education and advocacy.

### Leadership Training

For resident leaders, participation in video production is a catalyst for learning. By interviewing each other, residents are able to compare notes about conditions and policies in their respective facilities. By interviewing experts and government officials, residents are able to get their own questions answered. By speaking on camera, resi-



dents are able to think through and practice articulating their own ideas.

During production of the QUIP video, 17 residents from nine different adult homes participated. Many were resident council officers who will draw on what they have learned when they guide their councils through the QUIP application process next year.

### Resident Education

CIAD organizers and resident council officers use CIAD videos to highlight issues and stimulate discussion at resident council meetings, residents’ rights trainings, and food committee meetings. CIAD videos hold residents’ attention because residents themselves anchor the videos and talk about issues they care about.

### Advocacy

CIAD videos are used, when possible, to improve communication with government agencies. The QUIP video was shown to DOH officials and sparked a valuable dialogue between administrators and council officers about how well the program was working in the field.



The CIAD Media Team was started in 2004 by Jennifer

Stearns, a former NBC Network News video editor, who taught three adult home residents how to conduct interviews and operate video cameras. Within two years, the Media Team had produced videos on: CIAD’s annual Speak-Out in Albany, residents’ need for a clothing allowance, and on heat-related illness suffered by residents of adult homes without air conditioning.

In 2006, the Media Team became part of CIAD’s Policy Committee, an open committee of resident leaders from adult homes throughout New York City. The Policy Committee meets every two weeks to determine CIAD’s organizing priorities and strategize about how to achieve them. Media Team activities are

*continued on page 10*



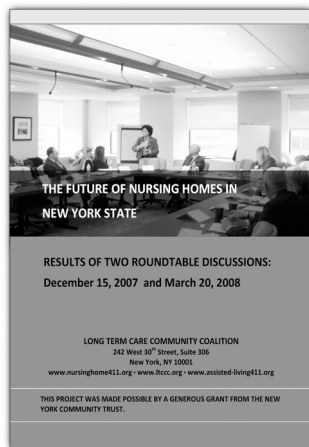
# Roundtable Participants on Future of Long Term Care Implementing Recommendations

In the last edition of *The Monitor*, we discussed the release of over 125 recommendations to improve the future of nursing homes in New York State for both providers and consumers (previous issues of *The Monitor* are available on our website at [www.ltccc.org/newsletter/](http://www.ltccc.org/newsletter/)). These recommendations were the result of two roundtable discussions convened by LTCCC on the future of nursing homes in New York State with funding from the New York Community Trust. As a follow up to these roundtables, LTCCC is surveying all of the participants to find out what, if any, action they are taking on these recommendations. The results of the first survey, conducted in September 2008, reveal that many of the recommendations are already being acted upon. The full summary of action steps taken can be found at: <http://nursinghome411.org/documents/Sept08summaryofsurvey.pdf>.

## Encouraging Culture Change

A number of the consumer and worker groups are already either moving toward implementation or will be soon on a number of the recommendations such as educating the public about nursing home culture change and their rights as long-term care consumers, empowering families and residents to expect culture change; and targeting discharge planners and consumers before they need nursing home care. The four government respondents reported working on many of the recommendations such as funding annual regional rewards for innovative leaders and practices in nursing homes and projects instituting culture change that make the business case; developing a plan for how to use pay-for-performance funds to encourage providers to institute culture change; developing a plan for how to train surveyors on the need to look at consumer and family satisfaction; and including residents and family members in the training of regulators. Two of the

provider respondents also reported working on many of the recommendations both with their associations and within their own nursing homes. One of the funders has funded training nursing home staff in how to use resident focus groups to identify issues of concern and areas of resident and family satisfaction.



"The Future of Nursing Homes" report (available at [www.nursinghome411.org](http://www.nursinghome411.org))

## Workplace Issues

Consumer and worker groups are working on developing projects on staff turnover, building relationships between workers and residents/families. The provider respondents reported that they are planning to implement most of the recommendations related to workplace issues.

## Financial Issues

Both provider respondents reported that they were implementing or about to implement a number of the recommendations: discussing how to invest in energy alternatives and new technology to decrease capital expenditures and inefficiency; developing a plan to complete electronic medical record (EMR) systems by 2010; and taking steps to reduce the institutional feel of their nursing home by incorporating new design elements into furnishings in nursing homes and residents' living spaces.



Participants at LTC roundtable meeting

LTCCC will repeat this survey in six months and publish the results in this newsletter and on our website page dedicated to this project: [www.nursinghome411.org/nursinghomeroundtables.php](http://www.nursinghome411.org/nursinghomeroundtables.php). □

## Reporting Live...

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designed to support these objectives. Policy Committee members vote on which videos to make, participate in all on-camera roles, and critique the videos during the editing process.

As a Manhattan-based non-profit, CIAD qualifies for free support from America's largest public access cable station – Manhattan Neighborhood Network. In 2006, eight CIAD staff members and residents received training in video production from MNN's Community Media Department. CIAD also won a grant of \$10,250 from MNN for equipment and training and a \$55,000 grant from the New York Community Trust to fund Media Team activities in three policy areas – housing, residents' rights, and Department of Health inspections.

### Housing

CIAD's housing videos show the need for more choice in mental health housing, and document the many barriers encountered by residents when they try to get out of adult homes. Two CIAD videos provide information about the current 60-bed initiative for adult home residents by the Office of Mental Health. Another video, *Gary's Story*, follows a resident as he transitions to life in an independent apartment.

### Residents' Rights

CIAD's library of residents' rights videos are based on interviews with attorneys from MFY's Adult Home Advocacy Project. The videos include residents' anecdotes about common rights abuses, information about legal protections, and strategies about how to handle the abuses.

### Department of Health Inspections

CIAD is collaborating with NYS Department of Health inspectors on videos about the DOH inspection process, and how residents can register complaints. CIAD's initial video, *Who Was That Guy?*, captured residents' misconceptions about what inspectors do in adult homes. DOH inspectors responding by participating in a video-taped panel discussion with residents.

For more information on CIAD and these activities, visit their website at [www.ciadny.org](http://www.ciadny.org). □

## Nursing Home Culture Change Resources

The federal Nursing Home Reform Law of 1987 (OBRA 87) requires that each nursing home “care for its residents in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident.” This requirement emphasizes dignity, choice, and self-determination for residents.



At its heart, culture change is about changing the culture of nursing homes so that they fully reflect these requirements. The culture change movement aims to de-institutionalize the environment of nursing homes, make it a good place to live and a good place to work.



People in communities across the state and across the country are advocating in their communities and their nursing homes for culture change. LTCCC has a website page that provides information and resources for people interested in making culture change a reality in their communities. Go to <http://www.nursing-home411.org/culturechange.php> to learn more and join our discussion group “NY State Consumers for Culture Change.” □

## LTCCC Study Published in Prestigious Journal

**The Gerontologist**, one of the preeminent journals addressing aging issues, published LTCCC's national study on the levying and use of civil money penalties (CMPs, which are levied against nursing homes that fail to meet minimum standards) in its October 2008 issue. The report, "Variation in the Use of Federal and State Civil Money Penalties for Nursing Homes," presents results from our study conducted in partnership with Charlene Harrington and her research staff at the University of California, with funding from The Commonwealth Foundation. NCCNHR (formerly the National Citizens Coalition for Nursing Home Reform) also contributed to the study. This is the second article published based upon findings from our study.

The fundamental goal of the project was to encourage New York and other states to collect CMPs and to use them to fund innovative projects and activities that improve resident care and quality of life. We believe that CMPs and state CMPs/fines present an additional valuable resource for fiscally constrained states to improve the quality of nursing home life and care. Unfortunately, until we conducted this project, little was known about either the amounts of monies being collected or how they were being used.

To achieve our goal, we examined and assessed the collection and use of CMPs across the country, surveyed government officials and stakeholders and developed a series of project "products" including: case studies, a resource brief for ombudsmen and advocates, and an action plan to help stakeholders advocate in their states for the collection of CMPs and for their use to improve resident care and quality of life in meaningful and innovative ways. These products and other resources are available for free on a dedicate page of our nursing home website,

[www.nursinghome411.org](http://www.nursinghome411.org) (click on yellow button "Civil Monetary Penalties Can Improve Nursing Home Care and Life" on right hand column).

Since the study was completed in 2006, LTCCC has continued to work on this issue, to make our recommendations a reality in New York and other states. LTCCC's directors have also presented our findings at several meetings across the country. In New York, we received funding from the New York Community Trust to bring together a broad based group of consumers, consumer representatives and ombudsmen in a *CMP Stakeholder Summit* to develop criteria to implement our recommendations in New York. We worked with the Department of Health to implement our findings and this past year the Department

issued a funding initiative, using CMP funds, that permits community groups and ombudsmen as well as nursing homes to apply for funding for the first time and encourages more innovative projects. More information on these activities can be found on the website page mentioned above (or you can go directly to <http://www.nursinghome411.org/CMPPProject/newyorkstatecmps.shtml>).



Visit our CMP website pages at [www.nursinghome411.org/CMPPProject/](http://www.nursinghome411.org/CMPPProject/) and learn more about what you can do. CMPs are an important but underutilized resource to improve care and quality of life in nursing homes. Join our CMP Stakeholder Group at <http://groups.google.com/group/ny-cmp-stakeholders> to be kept up-to-date on the latest developments. □

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**New York State Assembly:**

To write to your representative in the Assembly, address your letters to him or her at NYS Assembly, Albany, NY 12248. The general switchboard for the Assembly is 518-455-4000.

In addition to your personal representative, it is important that the following leaders hear from you:

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To obtain the names of your personal state government representatives, go to The Citizen Action Center on our website: [www.ltccc.org](http://www.ltccc.org).

**FEDERAL OFFICIALS:**

To contact your federal representatives visit our action alert center at [www.ltccc.org](http://www.ltccc.org) or call the congressional switchboard 202-225-3121.



**LTCCC** LONG TERM CARE COMMUNITY COALITION  
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