

LONG TERM CARE (LTC) E- NEWSLETTER – April 2013: Volume 11, Number 3

Welcome to the [LTC E-NEWSLETTER](#), 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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Please support LTCCC’s work to protect the frail elderly and disabled who rely on long term care.

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[Alzheimer's 'Epidemic' Now A Deadlier Threat To Elderly](#)

NPR reported on March 19 that “...[Alzheimer’s D]isease is now the sixth leading cause of death in the U.S., and figures released Tuesday by the [Alzheimer's Association](#) show that deaths from the disease increased by 68 percent between 2000 and 2010.” Input from two researchers was included in the NPR report, including that of [Maria Carrillo](#), a neuroscientist with the Alzheimer's Association. “If a person is living with Alzheimer's disease in their 70s, it actually doubles their mortality risk,” Carrillo says.”

[\[http://n.pr/Z9CFYs\]](http://n.pr/Z9CFYs)

[New National Resource from LTCCC: Get the Facts About Antipsychotic Drugs and Dementia Care](#)

Alzheimer's Disease and other forms of dementia are among the most significant issues facing the elderly and their loved ones. Because people with dementia often lose the ability to communicate over time, they are especially vulnerable and need special care.

To help improve care and the public's understanding of dementia care standards, LTCCC has developed a brochure designed especially for families and individuals affected by Alzheimer's Disease and other dementias. This resource will help families understand important issues surrounding the use of antipsychotic medications in people with dementia, know what kinds of questions to ask and where to go for further help and information.

The brochure, *Get the Facts about Antipsychotic Drugs and Dementia Care*, is available for free at [nursinghome411.org](http://www.nursinghome411.org) (on the Antipsychotic Drugs & Dementia Care page at <http://www.nursinghome411.org/?articleid=10042>). With growing concern about people with dementia being treated with antipsychotic medications, we expect that the guide will be a useful tool for families and others concerned about quality dementia care, particularly in nursing homes.

The potentially inappropriate use of these drugs is a national issue. Close to one in four nursing home residents have received an antipsychotic medication. These drugs are often administered as a way to treat behavioral symptoms of dementia. Rather than addressing the underlying causes of these behaviors or attempting to provide care through non-drug approaches, in some cases, antipsychotics may be used to sedate residents, as a form of chemical restraint. Antipsychotics increase the risk of stroke, movement disorders, falls and other serious problems, including death. Because of these potential side-effects, the FDA has issued a 'black box' warning about using these medications in elderly people with dementia.

Other News, Developments & Resources on Antipsychotic Drugs & Dementia Care

[Dementia Care Without Drugs: Symposium for Caregivers, Family Members and Other Stakeholders:](#)

LTCCC has received funding from the Fan Fox & Leslie R. Samuels Foundation to develop and conduct symposia for direct care workers, family members, LTC Ombudsmen and other stakeholders in New York City on Dementia Care Without Drugs. The principal

goal of this project is to create change in dementia care and antipsychotic drug use in nursing homes in New York City by educating care staff, family members and other resident representatives about this widespread (yet under-recognized) problem and how they can help their patients and loved ones receive appropriate dementia care that is comforting and avoids unnecessary drugging. The program will be modeled after a very successful program developed by the California Advocates for Nursing Home Reform, which has held programs in counties across California that were attended by one or more representative of every nursing home in the county, the LTC Ombudsmen, surveyors, family members, attorneys and others interested in this important issue.

The symposia will be held in NYC in the fall. If you are interested in receiving an invitation, please email info@ltccc.org and put in the subject line "Please Add Me To Invite List For Dementia Care Symposia."

[NYS Health Commissioner & Medicaid Inspector General Issue Joint Letter to All Nursing Homes on Appropriate Care & Documentation Practices for the Use of Antipsychotics](#)

On March 6, 2013, the New York State Commissioner of Health, Nirav R. Shah, M.D., M.P.H., and the New York State Medicaid Inspector General, James C. Cox, issued a joint letter to all NY State nursing homes to provide guidelines and direction for compliance with federal regulations regarding unnecessary drugging, "with specific emphasis on antipsychotic medications." The letter describes the widespread and pervasive problem, noting both federal studies and news media reports:

Despite the warnings from the FDA and the reports from the research community, antipsychotic medications continue to be used to treat elderly nursing home residents with no prior diagnosis or history of psychosis. Off-label usage of these drugs has continued to increase, and they are now administered to some 21 percent of nursing home residents nationwide, with the vast majority being in contraindication of FDA warnings, as reported by the Health and Human Services Office of Inspector General (HHS OIG) in a report dated May 4, 2011.

The HHS OIG follow-up report of July 6, 2012 found "nearly all records [of nursing home residents receiving atypical antipsychotic medication] reviewed failed to meet one or more Federal requirements for resident assessments and/or care plans." Multiple reports in the popular press (Wall Street Journal, New York Times, Boston Globe, Time, etc.) have excited public apprehension that these medications are being used, in many cases, as a form of chemical restraint, at great cost to taxpayers and great risk to a vulnerable cohort of frail senior citizens.

The letter, as well as the six attachments provided to nursing homes to facilitate compliance, are available on [LTCCC's Antipsychotic Drug and Dementia Care website page](#) or can be accessed directly at <http://www.ltccc.org/key/March2013LettertoNYSNursingHomes.shtml>.

[<http://www.nursinghome411.org/?articleid=10042>]

Updated Report: Federal Requirements Regarding Dementia Care & Antipsychotic Drugs

This report, originally published in October 2012, provides an overview of the antipsychotic drugging issue, including the national initiative launched last March to reduce antipsychotic drug use by at least 15% by December 31, 2012. Following the overview, the report presents information on every federal nursing home standard that we believe is relevant in the antipsychotic drugging context. Each standard is listed, with its descriptive title, in the Table of Contents, which has internal hyperlinks so that one can go directly from the standard's listing in the Table of Contents to its citation and description in the body of the report. Included for each standard are the specific citation in the Code of Federal Regulations (CFR) and the F-Tag (the federal coding tag used by nursing home surveyors in the Statements of Deficiencies (SODs, also known as Form 2567) that are the written record of a surveyor's findings of a facility's failure to comply with one or more standard. Importantly, the SODs for every nursing home are now posted on [Nursing Home Compare](#). Following these citations there is an excerpt of the relevant text from the code and a description of how the standard is relevant in the context of antipsychotic drug use.

The report was updated in March 2013 to include more detail on F-309, Necessary Care for Highest Practicable Well Being (42 CFR 483.25). The federal Centers for Medicare and Medicaid Services (CMS) has identified F-309 as an important standard for surveyors to assess for in its new [mandatory surveyor training](#). Thus, we thought it would be valuable to provide greater detail about it in our report.

[<http://www.ltccc.org/publications/documents/ltccc-antipsychotic-drugs-oversight-ftags-mar2013.pdf> (note this link goes directly to the PDF of the report)]

Retirees Struggle To Retain Health Benefits

[Kaiser Health News](#) reports that several news outlets have featured articles on how retiree health care costs continue to be an issue for both industries and cities.

[The Wall Street Journal](#): *Retired Coal Miners Fight To Retain Health Benefits*: Chief Executive Bennett Hatfield reiterated that the

company's bankruptcy filing last July stemmed from weak coal markets "coupled with increased costs and unsustainable legacy liabilities." He argued that Patriot's "labor and retiree benefit costs have risen to levels that simply cannot be sustained" amid shrinking demand for coal. Instead, Patriot would like to create a trust with a maximum of \$300 million from future profit-sharing to fund some level of retiree health benefits, far below its current retiree health liability of \$1.6 billion. Some industry experts say Patriot also needs to shed retiree coverage because the health plans make its overall labor costs far higher than those of its nonunion competitors (Maher, 3/17).

[The Associated Press](#): *Study: Cities Have \$12.7B In Retiree Health Costs*: Michigan cities and townships that provide health care for retired public workers face nearly \$13 billion in unfunded costs, according to a report released Thursday, with half setting aside no money to cope with a bill gobbling up more of their budgets. The sobering study, released the same day an emergency financial manager was assigned to Detroit, shows the city is not alone in grappling with how to pay promised health benefits to retirees. More than 300 cities, townships and villages – home to two-thirds of state residents – face a combined \$12.7 billion in unfunded liabilities in the next 30 years (Eggert, 3/16).

[San Francisco Chronicle](#): *S.F. Avoids Retirees' Health Care Issues*: For politicians who get awfully riled up about exposed genitalia in the Castro or what to call our local airport, the good folks at City Hall sure do have a knack for looking the other way when it comes to matters of huge financial import. Take the city's \$4.4 billion unfunded liability to pay for health care for its employees and retirees over the next 30 years. A new report from the Pew Charitable Trust crunched figures for the largest city in each of the country's 30 most populous metro regions for a look at how they're faring when it comes to affording the tab on their pension and retiree health care obligations (Knight, 3/16). [<http://1.usa.gov/VaztQm>]

[<http://www.kaiserhealthnews.org/Daily-Reports/2013/March/18/retiree-health-costs.aspx>]

[Spotlight on Advocacy: Speak Out to Support Access to Justice for Victims of Nursing Home Abuse & Neglect](#)

It is well known that serious problems persist in nursing homes in NY and nationwide. State and federal oversight mechanisms are often insufficient to ensure that every resident receives the care he or she needs, as both state and national laws require. Thus, when the government fails to uphold minimum standards, it is crucial that

residents and their families have a meaningful right to hold providers accountable themselves.

NYS Assembly Bill #2687 would provide that a nursing home patient's right to sue for injuries can be exercised by the patient's legal representative or estate. The bill also makes it clear that the nursing home does not escape liability for its wrongs just because the patient dies or is unable to initiate a suit on his or her own behalf.

Please speak out now in support of NYS Assembly Bill #2687 and urge your representatives in the NYS Senate to pass a companion bill!

[Click here](#) or go to <http://www.capwiz.com/nhccnys/issues/alert/?alertid=62463141>.

We're on the Web!

www.ltccc.org: Our main website, with access to all of our issues, policy briefs and research.

www.assisted-living411.org: For information on assisted living, including consumer issues and policies.

www.nursinghome411.org: For information on developments in nursing home care, regulation and policy issues.

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:
nursinghome411.org/?articleid=10042.

Long term care information booklet in [Chinese](#) and [English](#) for Chinese consumers: What You Need to Know about Long Term Care.

[SIGN-UP FOR THE LTC E-NEWSLETTER \(OR UNSUBSCRIBE\)](#)!