



LONG TERM CARE (LTC) E- NEWSLETTER – September 2013: Volume 11, Number 7

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.”

*Join Us For LTCCC's
 Fifth Annual Reception
 October 16
 Federal Hall, NYC*
[Click here for more
 information & invitation](#)

*Coming to NYC in Nov. 2013
 Dementia Care Without
 Drugs: A Symposium on
 Improving Nursing Home
 Care & Comfort*
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 information & invitation](#)

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[Advocacy Group Publishes Nation's First Ever, State-By-State Nursing Home Report Card: Eleven States \(Including New York\) Get Failing Grades](#)

As reported by [CBS News](#) and other outlets across the country, [Families for Better Care](#) (FBC), a Florida based nursing home resident advocacy group, has published the first ever state-by-state nursing home report card. The purpose of the report is to identify which states do a good job of caring for seniors and which fail to ensure that they won't be neglected or abused.

States were scored, ranked and graded based on eight different federal quality measures ranging from the percentage of facilities with severe deficiencies to the number of hours frontline caregivers provide (on average) per resident per day. States that got Fs ("The Bottom of the Barrel"): Texas, Louisiana, Indiana, Oklahoma, Missouri, New Mexico, [New York](#), Michigan, Nevada, Illinois and Iowa.

Brian Lee, FBC's executive director, stated that "New York represents what's terribly wrong with nursing home care and oversight in America.... State officials and industry representatives should be ashamed of their abysmal nursing home record." "Inadequate staffing contributes to the enormity of nursing home neglect," said Lee. "Residents are unable to be cared for properly when their afforded fewer than 40 minutes of professional nursing care per day."

[\[http://nursinghomereportcards.com/2013/08/08/advocacy-group-publishes-nations-first-ever-state-by-state-nursing-home-report-card/\]](http://nursinghomereportcards.com/2013/08/08/advocacy-group-publishes-nations-first-ever-state-by-state-nursing-home-report-card/)

[Rochester, NY Nursing Home 'Holds Off the Feds'](#)

The [Democrat and Chronicle](#) reported that [U.S. District Court Judge David Larimer](#) granted a preliminary injunction on August 29 halting the significant enforcement actions being taken against Blossom South Nursing & Rehab Center in Rochester by the NYS Department of Health (DOH) and the federal Centers for Medicare and Medicaid Services (CMS).

[Blossom South has a long history of very poor care and significant failures to meet minimum standards](#) for safety, quality of care and dignity for its residents. According to the [Fall 2013 issue of LTCCC's Monitor](#) newsletter, Blossom South has been a Special Focus Facility for 25 months as of June, and is on the Special Focus Facility List for the second time. The [Special Focus Facility \(SFF\) Program](#) is a federal initiative that identifies the worst nursing homes in the country for special oversight over a two year period. At the end of the two years, the facility is expected to have either (1) developed permanent solutions to its longstanding problems, and "graduate" from the Program, or (2) be eliminated from Medicare and Medicaid reimbursement.

The fact that this facility was permitted to be in the SFF Program a second time, and has been in the program for more than two years (this second round alone), is deeply troubling in a number of respects. It means that residents have been subjected to these conditions year after year. It also means that taxpayers have continued to fund care that has consistently failed to meet the minimum standards required for reimbursement from Medicare or Medicaid.

Judge Larimer's decision provided for Blossom South to be given more time to improve. The next hearing is scheduled for October 8. It is important to note, however, that irrespective of the judge's decision, the New York Department of Health and CMS continue to be responsible for ensuring that residents are safe, treated with dignity and receive adequate care in this facility.

[\[http://www.democratandchronicle.com/apps/pbcs.dll/article?AID=/201308301757/NEWS01/308300036&gcheck=1\]](http://www.democratandchronicle.com/apps/pbcs.dll/article?AID=/201308301757/NEWS01/308300036&gcheck=1)

HHS Announces Guidance Implementing Supreme Court's Decision on the Defense of Marriage Act

On August 29, the US Department of Health and Human Services issued guidance to ensure that Medicare beneficiaries in same-sex marriages are afforded all of the rights and benefits available to married couples under the law.

According to the announcement, the HHS memo clarifies "that all beneficiaries in private Medicare plans have access to equal coverage when it comes to care in a nursing home where their spouse lives. ...HHS Secretary Kathleen Sebelius stated that "[t]oday's announcement is the first of many steps that we will be taking over the coming months to clarify the effects of the Supreme Court's decision and to ensure that gay and lesbian married couples are treated equally under the law."

According to CMS Administrator Marilyn Tavenner, "...Medicare is ensuring that all beneficiaries will have equal access to coverage in a nursing home where their spouse lives, regardless of their sexual orientation...." The announcement noted that,

Under current law, Medicare beneficiaries enrolled in a Medicare Advantage plan are entitled to care in, among certain other skilled nursing facilities (SNFs), the SNF where their spouse resides (assuming that they have met the conditions for SNF coverage in the first place, and the SNF has agreed to the payment amounts and other terms that apply to a plan network SNF). Seniors with Medicare Advantage previously may have faced the choice of receiving coverage in a nursing home away from their same-sex spouse, or dis-

enrolling from the Medicare Advantage plan which would have meant paying more out-of-pocket for care in the same nursing home as their same-sex spouse.

[\[http://www.piersystem.com/go/doc/2430/1885974/\]](http://www.piersystem.com/go/doc/2430/1885974/)

Study Assesses Nursing Home Quality in Terms of Rural vs. Non-Rural Facilities

The August 2013 issue of the *Journal of the American Medical Directors Association* published a study, "Nursing Home Quality: A Comparative Analysis Using CMS Nursing Home Compare Data to Examine Differences Between Rural and Nonrural Facilities."

According to the abstract:

Advances in medicine and an aging US population suggest that there will be an increasing demand for nursing home services. Although nursing homes are highly regulated and scrutinized, their quality remains a concern and may be a greater issue to those living in rural communities. Despite this, few studies have investigated differences in the quality of nursing home care across the rural-urban continuum. The purpose of this study was to compare the quality of rural and nonrural nursing homes by using aggregated rankings on multiple quality measures calculated by the Centers for Medicare and Medicaid Services and reported on their Nursing Home Compare Web site.

Of the 15,177 nursing homes in the analysis, "69.2% were located in nonrural areas and 30.8% in rural areas." The "overall, health inspection, staffing, and quality measure ratings" were compared. The "analysis suggested that rural nursing home quality was not comparable to that of nonrural nursing homes. When controlling for state and adjusting for nursing home size and ownership, rural nursing homes were not as likely to earn a 4-or higher star quality rating as nonrural nursing homes."

[\http://www.jamda.com/article/S1525-8610%2813%2900108-4/references (Note: only the study's abstract and references are available without a subscription)]

Upcoming Events of Interest

[LTCCC To Hold Annual Event on October 16](#)

Join us in honoring Ann Wyatt, residential Care Consultant, Alzheimer's Association, NYC Chapter, and Jose Matta, Assistant Director, 1199SEIU Training and Employment Funds & 1199SEIU GNY Education Fund. Their careers have been dedicated to building a better future for nursing home residents and the nursing home workforce.

- For more information on the honorees [click here](#).
- Click [here](#) for the invitation.
- [Click here](#) for the RSVP card (due to federal regulations all tickets must be purchased in advance).

If you are interested in possibly sponsoring our event at the \$300 (individuals), \$500 or \$1,000 level please call Sara at 212-385-0355 or email her at sara@ltccc.org for more information.

[LTCCC To Hold Symposium on Dementia Care Without Drugs in November](#)

LTCCC, with funding from the Fan Fox and Leslie R. Samuels Foundation, will be holding a special program for nursing home staff, LTC ombudsmen, family members, consumer representatives (lawyers, geriatric care managers, etc...) and surveyors to create change in dementia care and reduce antipsychotic drug use in nursing homes.

Program Highlights:

- Care practices that benefit both staff & residents
- Legal & Regulatory Requirements for Dementia Care & the Use of Antipsychotic Drugs
- Palliative Care for Dementia Patients: Creating a Culture of Comfort
- Implementing Change in Your Nursing Home: Administrator Perspectives & Insights

The symposium will be held in New York City in November. For more information or to reserve your seat go to <http://ltccc.org/symposium.shtml>. Please email info@ltccc.org or call 212-385-0355 if you have any questions.

[Spotlight on Advocacy: Sign-on to the National Petition to End Federal Sequestration](#)

Elderly and disabled people in nursing homes and the community are at serious risk. Budget cutbacks due to sequestration are forcing cutbacks in needed federal and state monitoring of care for our most vulnerable citizens. Please [click here](#) to sign our petition to Congress and President Obama!

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](#).

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

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 \(OR UNSUBSCRIBE\)](#)!