



LONG TERM CARE COMMUNITY COALITION
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Working to improve long term care through research, education & advocacy

LONG TERM CARE (LTC) E- NEWSLETTER - April 2010: Volume 8, 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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[Health Reform Passes: What Does It Mean For LTC?](#)

In March, Congress passed and President Obama signed into law comprehensive national healthcare reform. While there has been much debate across the country about the bill, there has been very little discussion about the long term care provisions that were incorporated in the bill and which are now U.S. law. These include several important bills that LTCCC strongly supported: the Nursing Home Transparency Act, Patient Safety and Abuse Prevention Act and the Elder Justice Act.

[The Nursing Home Transparency Act](#)

This was the first major national effort to tackle nursing home quality problems since 1987. There are a number of important provisions that, if properly executed and enforced, will improve nursing home accountability and resident care. Following are some highlights, for a more comprehensive list from NCCNHR click on the link above.

[Improved Information for the Public on Individual Nursing Homes](#)

- Public disclosure of nursing home owners, operators, and other entities and individuals that provide management, financing, and services to nursing homes.

- Significant changes to [Nursing Home Compare](#), the federal government’s website that provides information to the public on individual nursing homes’ quality. This is to include:
 - Staffing data for each facility that includes hours of care per resident day, turnover, and retention rates;
 - Links to facilities' survey (inspection) reports; summaries of complaints against facilities, including number, type, severity and outcome;
 - A standardized complaint form; and
 - Adjudicated criminal violations by facilities and their employees inside the facility, including civil monetary penalties levied against the facility, its employees, contractors, and other agents.
 - Establishment of a consumer rights information page on Nursing Home Compare, including services available from the long-term care ombudsman.
- A review of Nursing Home Compare's accuracy, clarity, timeliness, & comprehensiveness and modifications of the site based on the review.
- A Government Accountability Office study of the “Five Star” nursing home quality rating system.
- A requirement for nursing homes to make surveys and complaint investigations for three years available on request and to post a notice that they are available.
- A requirement that states maintain a website with information on all nursing homes in the state, including survey (inspection) reports, complaint investigation reports, plans of correction, and other information that the state or CMS considers useful.
- Establishment of a methodology for categorization and public reporting of facilities' expenditures, regardless of source of payment, for direct care (including nursing, therapy, and medical services); indirect care (including housekeeping and dietary services); capital assets; and administrative services.

Measures to Improve Nursing Home Quality and Accountability

- A statutory requirement for a [Special Focus Facility Program](#). The Special Focus Facility Program is a federal initiative that has been strongly supported by LTCCC and other consumers that identifies the country’s worst performing nursing homes and provides a program for these homes to either institute long term solutions to their problems or be sold or closed.
- Collection of staffing data electronically from payroll records and other verifiable sources and public reporting of hours per resident day of care and turnover and retention rates. Because staffing is such an important factor for resident care, this is crucial.
- Improved complaint handling, including a voluntary standardized form for filing complaints with the survey agency and ombudsman; and protection of residents' legal representatives and other responsible parties from retaliation when they complain about quality of care.

- Escrowing of civil monetary penalties after an independent informal dispute resolution process and pending resolution of further appeals. (Allows for reduction of CMP amounts for self-reported, non-repeat violations.)
- Sixty-day advance notification of facility closure and authorization to continue Medicaid payments pending relocation of all residents.
- Dementia care and abuse prevention in nurse aide training programs.
- Demonstration projects to identify best practices in culture change and information technology.
- Demonstration program to develop, test, and implement federal oversight of interstate and large intrastate chains. (Chains apply to participate in the demonstrations.)

[\[www.nccnhr.org\]](http://www.nccnhr.org)

Spotlight on Advocacy: URGENT Alert On Funding For Nursing Home Quality in NY State

Last year NY Governor Paterson and the State Legislature passed an important law that instituted "Quality Pools" for nursing home payment starting in April 2010. Rather than just paying nursing homes for the expenses they claimed, the Quality Pools will tie a small portion of nursing home payment to providing good quality care to our nursing home residents. Many of you spoke out to Governor Paterson asking him to make sure that the Quality Pools are in the budget that goes into effect in April 2010. He heard us and they are a part of his proposed budget.

Unfortunately, we have just heard some very bad news: the NY Senate budget bill that came out last week has rejected the nursing home quality pools. [While the Assembly bill also does not include the Quality Pools, we were told that it was not rejected by the Assembly. The reason it was not included was because of lack of time in the drafting process and that it will be considered again when the Senate and Assembly sit down to discuss a final bill.

We are now alarmed that the Senate may not support the quality pools in the final budget. It is crucial that we now make our Senators understand the importance of including the quality pools in the final budget for 2010-2011.

[Please send a message NOW to let the Senators know the importance of including the quality pools!](#)

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*.](#)

[Click Here To Make A Donation On-Line](#) or send a tax-deductible donation to LTCCC, 242 West 30TH Street, Suite 306, NY, NY 10001.

If the above links do not work (or if you are reading a printout of this newsletter) you can find these documents on our homepage, www.ltccc.org.

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