



**LONG TERM CARE (LTC) E- NEWSLETTER – April 2012: Volume 10, Number 3**

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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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**[New Hampshire First State in Country to Receive Affordable Care Act Grant for Home & Community Based Services](#)**

The federal Centers for Medicare and Medicaid Services (CMS) announced in March that it is awarding \$26.5 million to New Hampshire to expand access to home and community based services and supports in the state. The grant is part of \$3 billion being made available under the Affordable Care Act (so-called “Obamacare”) to help people stay out of institutions and in their homes and communities.

[\[http://www.ltccc.org/ConsumerParticipationinReimbursement.shtml\]](http://www.ltccc.org/ConsumerParticipationinReimbursement.shtml)

## **US Department of Justice Rejects \$1 Billion Johnson & Johnson Settlement for Illegal Marketing of Antipsychotic Drug**

Johnson & Johnson, one of the country's leading pharmaceutical and consumer products companies, is facing demands from the U.S. Department of Justice that it increase its settlement offer for illegally marketing the antipsychotic drug Risperdal from \$1 billion to \$1.8 billion. According to *Bloomberg*, "The demand came after the Justice Department and states decided that a \$1 billion settlement that had been negotiated by the U.S. Attorney's Office in Philadelphia in late December wasn't adequate, according to... [three people familiar with the case...] who weren't authorized to speak on the matter."

This settlement pertains to **civil claims** by the U.S. and several states against J&J for illegal marketing of the antipsychotic; in addition, there are **criminal charges** against J&J. According to the Bloomberg report, J&J "disclosed in August that it reached an agreement to settle a misdemeanor criminal charge related to Risperdal marketing. The company had been discussing paying about \$400 million more to settle that portion of the investigation, a person familiar with the negotiations said."

The fight to stop inappropriate antipsychotic drug use is a major priority for LTCCC. Approximately 25% of nursing home residents are given antipsychotic drugs, despite black box warnings against using them on the elderly or people with dementia. Antipsychotics increase risk of heart attack, stroke and diabetes. Too often, especially in nursing homes and other residential care settings, they are used as a form of chemical restraint, when there is insufficient staff to provide appropriate care. LTCCC is working with other advocates in Washington, DC, California and Virginia to change national practice standards on antipsychotic drugs and to hold providers, long term care pharmacists and "big pharma" companies like J&J accountable.

[\[http://buswk.co/AcLez0\]](http://buswk.co/AcLez0)

## **SAGE Launches Spousal Impoverishment Protections Initiative & State Advocacy Guide for Same-Sex Couples**

Medicaid rules include a number of "spousal impoverishment" protections that enable a healthy spouse of an individual receiving Medicaid services to keep his or her home and a certain amount of income and savings (i.e., avoid the impoverishment necessary to qualify for Medicaid services). Unfortunately, these spousal impoverishment protections generally do not apply to same-sex couples, which can leave a same-sex partner without a home, unprotected

from impoverishment. Now that a number of states recognize same-sex marriages (though the federal government does not), this is a matter of increasing concern.

As reported by the [Consumer Voice](#) last year, the “[Centers for Medicare & Medicaid Services \(CMS\) notified state Medicaid directors](#) that states may provide the same financial protections to same-sex spouses or domestic partners of institutionalized Medicaid beneficiaries that they provide to heterosexual married couples. The June 10 [2011] memorandum tells states their policies on liens, transfer of assets and estate recovery can be modified to protect same-sex spouses and partners from ‘undue hardship’ when their loved one is receiving Medicaid services.”

According to the SAGE website, the initiative will:

- Provide policy guidance to advocates interested in implementing these protections in their unique states;
- Connect state advocates to each other to share best practices and exchange ideas;
- Host a range of training sessions on these issues at upcoming conferences and events;
- Develop a range of online activist tools that support state leaders in this advocacy; and
- Highlight the individual stories of same-sex partners affected by this inequity, as well as stories from advocates nationwide who successfully helped to extend these protections.

[\[http://www.sageusa.org/specialevents/home.cfm?!D=99\]](http://www.sageusa.org/specialevents/home.cfm?!D=99)

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## **[Spotlight on Advocacy: Send a Message in Support of Critical Assisted Living Protections in New York](#)**

**+++ NOTE: This is [an Updated Action Alert on Assisted Living in NY](#). Thanks to those who sent messages before, three bills have been introduced in the NYS legislature. Now we need to keep momentum going for these important protections among our representatives in Albany!**  
+++

LTCCC strongly supports these bills to provide crucial protections for assisted living residents in NY State now and in the future. These bills are needed to ensure that there are sensible standards in NY, especially for people with dementia and other significant frailties.

1. [A08870](#), S6274 - Requires a registered nurse, **for monitoring and assessment**, on staff at facilities certified for enhanced assisted living or special needs assisted living.
2. [A08861a](#), S6279a - Updates Adult Home Training Program.

3. [A08862](#), S6278- Permits penalties for harming residents of assisted living residences and adult homes.

Please support these protections - and help ensure a decent and safe assisted living industry in New York - by sending a quick, free message from the LTC Citizen Action Center at <http://bit.ly/ny-assisted-living-push>. PLEASE PASS THIS ON IN YOUR COMMUNITIES - it is crucial that we get the word out! Thank you!

## **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.

[Tools for Stakeholders & National Report on Increasing Transparency and Consumer Involvement in States' Uses of Nursing Home Civil Money Penalties](#) to Improve Care and Quality of Life.

LTCCC study: Government Monitoring & Oversight of Nursing Home Care in [Word](#) or PDF.

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

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