



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 – Feb 2011: Volume 9, Number 1

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.”

Follow us on Twitter at <http://twitter.com/LTCconsumer>.

[Please Give To Our Annual Appeal! Support LTCCC’s work to protect the frail elderly and disabled who rely on long term care. Click here to donate \\$5 \(or whatever you care to give\).](#)

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- VIEW THE LATEST ENFORCEMENT ACTIONS AGAINST NURSING HOMES IN NEW YORK STATE. 5
- READ THE LATEST EDITION OF LTCCC’S QUARTERLY NEWSLETTER, *THE MONITOR*. 5
- LONG TERM CARE INFORMATION BOOKLET IN CHINESE AND ENGLISH FOR CHINESE CONSUMERS: *WHAT YOU NEED TO KNOW ABOUT LONG TERM CARE*. 5
- 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. 5
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SPECIAL SECTION: Nursing Home “Culture Change,” Quality & Oversight: Several Recent Perspectives

Study Examines Impact of a Regulatory Intervention on Resident-Centered Nursing Home Care in Rhode Island

From [The Commonwealth Fund](#):

In an effort to use the annual nursing home survey process to promote resident-centered care practices, the Rhode Island Department of Health implemented the Individualized Care Pilot from November 1, 2007, to April 30, 2008. The initiative promoted resident-centered care primarily through activities integrated with the annual recertification inspection. In addition to enhancing existing survey processes, the pilot incorporated a visit from the state Quality Improvement Organization into the survey process itself. This study assessed the impact of that pilot on resident-centered care practices. Online surveys were sent to administrators at all Rhode Island nursing homes pre- and post-pilot. Based on reports from participating homes, the pilot helped nursing home administrators understand, consider, and implement resident-centered care. The findings paint a promising picture about the potential to spur provider change through a multipronged approach centered on the regulatory process.

[\[http://t.co/5x1xvKU\]](http://t.co/5x1xvKU)

Study Finds Nurse Aides in Greenhouse Culture Change Nursing Homes Spend More Time With Residents Than Those In Traditional Facilities

From [PHI](#):

Certified nursing assistants (CNAs) working in skilled nursing facilities affiliated with The GREEN HOUSE® Project [a type of nursing home culture change] spend more time on direct care than their counterparts in traditional facilities, according to a new report.

The study also shows that Green House CNAs spend more time engaging with residents when they are not assisting them with activities of daily living (ADLs), as compared with CNAs in more traditional long-term care facilities.

“This study confirms what we can see and feel from the moment we enter a flourishing Green House,” said PHI Midwest Training & Organizational Development Specialist Maureen Sheahan. “The Shahbazim take pride in creating home and comfort for the elders. Their close contact with each other, along with the comprehensive way

that they engage in daily life, tasks, and activities, create meaningful and satisfying relationships for both staff and elders.”

[\[http://j.mp/dMu2sf\]](http://j.mp/dMu2sf)

[Judge Rejects Culture Change Defense in Nursing Home Appeal](#)

From the [Center for Medicare Advocacy](#):

The nursing home industry has called for major changes in the federal survey process by which federal and state survey agencies determine whether facilities are complying with federal standards of care and providing residents with high quality of care and quality of life. The industry argues that the nursing home industry has changed since Congress enacted the 1987 Nursing Home Reform Law and that its voluntary efforts should be recognized and taken into account. A decision by Administrative Law Judge (ALJ) Steven T. Kessel in a Tennessee nursing facility appeal, implicitly rejecting these claims, holds that a facility's adoption of a specific philosophy of care does not eliminate the need to follow federal law, resident care plans, and a facility's own policies.

* * *

[The Center for Medicare Advocacy concludes that] [w]hile new and innovative ways of providing care to nursing facility residents should be supported and encouraged, the fundamental requirements of federal law, care plans, and facility policies remain critical to providing residents with the care they need.

[\[http://j.mp/dUBT9m\]](http://j.mp/dUBT9m)

[Pharmaceutical Industry Is Biggest Defrauder of the Federal Government Under the False Claims Act, New Public Citizen Study Finds](#)

According to a Public Citizen study (first [reported on in the December 16, 2010 issue of *The New York Times*](#)), “The drug industry has now become the biggest defrauder of the federal government, as determined by payments it has made for violations of the False Claims Act (FCA), surpassing the defense industry, which had long been the leader...”

The single largest category of financial penalties stems from off-label promotion of drugs. While doctors may prescribe medication for uses outside of those approved by the FDA, it is illegal for drug companies to market drugs for unapproved uses. Off label drug use is a growing

concern for nursing home residents: recent studies have indicated that there are high numbers of residents who are being given anti-psychotic medication even though they do not have a diagnosis of a psychotic condition, and despite the “black box” warning that giving these medications to the elderly can be extremely harmful.

[\[http://j.mp/hi2SDd\]](http://j.mp/hi2SDd)

Spotlight on Advocacy: Urge Gov. Cuomo to Stand Up For Nursing Home Residents - Support Nursing Home Quality Pools in the State Budget!

Last year the Governor and Legislature passed an important law that instituted "Quality Pools" for nursing home payment starting in April 2010. Rather than just paying nursing homes for estimated costs of caring for residents they admit, 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 were in the budget that went into effect in April 2010. He heard us and they were a part of his proposed budget.

Unfortunately, the NY Senate rejected Quality Pools during last Spring’s budget negotiations – as a result the Quality Pools were not implemented as mandated by state law.

It is crucial that Governor Cuomo and other NY leaders hear from people now that we want to see public money pay for quality, decent nursing home care.

Please send a message NOW to let Gov. Cuomo and NY Senate & Assembly 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*.
- Long term care information booklet in [Chinese](#) and [English](#) for Chinese consumers: *What You Need to Know about Long Term Care*.
- [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 2007](#) or [PDF](#).

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