


LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

NURSING HOME DEVELOPMENTS IN 2019

HIGHLIGHTS & RESOURCES FROM LTCCC

THE GOOD

Abuse Icon on Nursing Home Compare. CMS implemented changes to its Nursing Home Compare website to make it easier for residents and families to identify facilities with a known history of resident abuse, neglect, and exploitation. Nursing home consumers will now see an abuse icon () on an identified facility's profile. Nursing homes with an abuse icon also have their "health inspection" star-rating capped at a maximum of two stars (out of five). LTCCC supports the abuse icon but cautions residents that the absence of an abuse icon does *not* necessarily mean the absence of abuse at any given facility.

- Statement - [Important Update to Nursing Home Compare will Enable Public to I.D. Facilities with a History of Abuse](#)

Special Focus Facility Candidate List. CMS identifies nursing homes with an extremely poor record of care for inclusion in the Special Focus Facility (SFF) program. Due to limited resources, the program is limited to 88 nursing homes nationwide. A report by U.S. Senators Bob Casey and Pat Toomey found that CMS has identified over 400 additional facilities as SFF candidates based on their poor record of care. CMS is now publishing the SFF candidate list monthly. Although the list has not been integrated into Nursing Home Compare, consumers finally have access to this important information when choosing a nursing home for themselves or a loved one.

- Statement - [CMS Releases Special Focus Facility Candidate List but Transparency Issues Remain](#)
- Statement - [Special Focus Facility Candidates Must Be Identified on Nursing Home Compare](#)

Safe Staffing Legislation. Bicameral legislation—the Quality Care for Nursing Home Residents Act of 2019—was introduced in Congress. The Act establishes minimum staffing ratios, improves disclosure of nurse staffing levels, expands staff training and supervision requirements, creates whistleblower and resident protections, prohibits pre-dispute arbitration agreements, and develops a protocol for obtaining written informed consent for psychotropic drugs. LTCCC and other advocacy organizations worked closely with Representative Jan Schakowsky's office to develop this legislation.

- Legislation - [H.R. 5216](#) & [S. 2943](#)
- Action Alert - [Stand Up For Safe Staffing](#)

THE BAD

Pre-Dispute Arbitration Agreements. CMS issued a final rule rolling back the 2016 ban on pre-dispute arbitration agreements between nursing home residents (or their representatives) and facilities. While federal

regulations now allow for pre-dispute arbitration agreements, facilities may not request residents to sign such agreements as a condition of admission or continued care. LTCCC encourages consumers not to give up their right to settle disputes in court.

- Statement - [CMS Finalizes Rollback of Pre-Dispute Arbitration Protections](#)
- Fact Sheet - [Pre-Dispute Arbitration Agreements](#)

Proposed Rollback of Nursing Home Standards. CMS issued proposed rulemaking to rollback the nursing home Requirements of Participation. Perhaps most shockingly, the proposed rule guts the grievance process, makes it easier to administer antipsychotic drugs to residents, and waters down the role of infection preventionists. LTCCC strongly opposes the proposed rule.

- [Comments On Requirements For Long Term Care Facilities: Regulatory Provisions to Promote Efficiency](#)
- *Bifocal* Article - [Proposed Nursing Home Regulations Could Put Residents at Risk](#)

THE UGLY

New Medicare Payment Model. The Centers for Medicare & Medicaid Services (CMS) began implementing a new payment model for Medicare-covered nursing home stays. The “Patient Driven Payment Model” (PDPM) creates a new set of financial incentives that harm nursing home residents in need of skilled therapy services and individualized therapy in particular.

- Issue Alert - [Medicare Skilled Therapy under PDPM](#)
- Fact Sheet - [Nursing Home Therapy Services](#)
- Webinar - [The New Payment System for Nursing Homes](#)

Proposal to Reduce Survey Frequency. CMS has asked Congress for the authority to reduce the frequency of standard nursing home surveys (health inspections) for “top-performing” facilities from annually to every 30 to 36 months. CMS’s proposal seems to disregard numerous reports indicating that, too often, even high-rated nursing homes have serious health violations. A June 2019 report by the Government Accountability Office suggests that more than 1 in 5 nursing homes that CMS considers “above average” and “much above average” have been cited for abuse in a single year.

- Issue Alert - [Nursing Home Residents at Risk: Proposals to Reduce Survey Frequency for “Top-Performing” Nursing Homes are Dangerous](#)
- Action Alert - [Speak Out Against Efforts to Weaken Oversight of Nursing Homes](#)

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