



# Reimagining Nursing Home Care

Long Term Care Community Coalition

[www.nursinghome411.org](http://www.nursinghome411.org)

# + What is the Long Term Care Community Coalition?

- **LTCCC**: Nonprofit organization dedicated to improving care & quality of life for the elderly & adult disabled in long-term care (LTC). Home to two local LTC Ombudsman Programs in NY.
- **Our focus**: People who live in nursing homes & assisted living.
- **What we do**:
  - Policy analysis and systems advocacy in NYS & nationally;
  - Education of consumers and families, LTC Ombudsmen and other stakeholders.
- **Eric Goldwein**: LTCCC's Policy & Communications Director. Joined LTCCC in 2019.
- **Richard Mollot**: LTCCC's Executive Director. Joined LTCCC in 2002.
- **Website**: [www.nursinghome411.org](http://www.nursinghome411.org).

# + Today's Agenda

- Brief update on COVID-19 data and policy developments.
- Brief discussion of how we got here.
- Special guest speaker: **Cathy Unsino, LCSW, Psychotherapist, Advocate for Nursing Home Reform and Transformation.**



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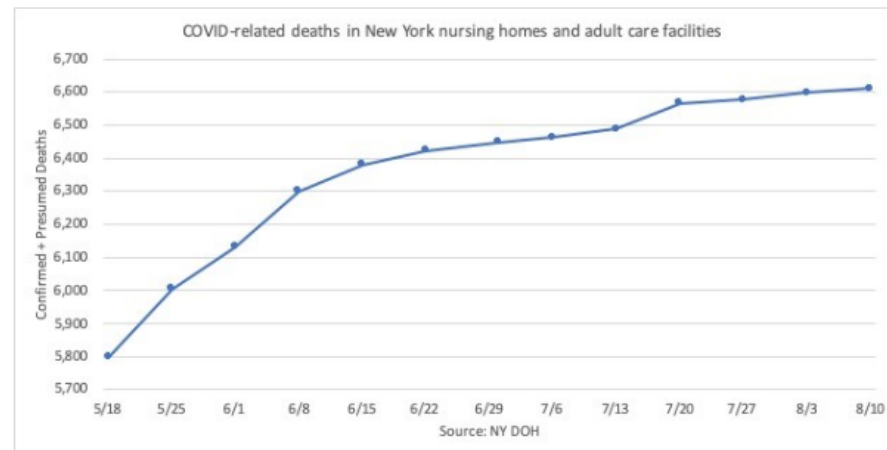
# COVID-19 data and policy developments

# + COVID-19 Data Update: Rising LTC Cases & Fatalities

- Kaiser Family Foundation (August 13)
  - **375,261** COVID-19 cases (resident and staff) in **15,213** U.S. LTC facilities
  - **67,112** deaths (39% overall COVID-19 deaths)
  - **30-day increase:** Approx. 100K cases, 10K deaths.
- CMS (August 2)
  - **286,382** confirmed + suspected cases
  - **45,958** deaths
  - Significant state & regional variation
- NY DOH (August 10)
  - **6,610** LTC deaths in New York state
  - Plateauing
  - <https://nursinghome411.org/ny-nursinghome-covid-data/>

**CAUTION! Take data with a grain of salt.**

- Underreporting
- Data entry errors
- It's not just cases & fatalities
  - Isolation, abuse, neglect, substandard care, etc.





# COVID-19 Policy Update: CMS Resuming “Normal” Oversight

- **In March**, due to COVID, **CMS reduced oversight** and directed states to only:
  - conduct surveys related to infection control
  - investigate complaints if allegations were “immediate jeopardy.”
- **Back to normal:** Yesterday, the Centers for Medicare and Medicaid Services (CMS) announced that it is directing the states to **resume normal nursing home** (and other provider) oversight.
- Regular (annual) surveys and complaint investigations identified “as Non-Immediate Jeopardy Medium” to be resumed as soon as states have resources (staff, PPE) to do so.
- See CMS statement: <https://www.cms.gov/files/document/qso-20-35-all.pdf>



# COVID-19 Update: LTC Legislation

- Key Stimulus & Coronavirus Relief bills:
  - HEROES (House Democrat Bill)
  - HEALS (Senate GOP Bill)
  - Heroes vs. Heals explainer:  
<https://www.cnbc.com/2020/07/30/how-the-heals-act-compares-to-the-heroes-act.html>
- **Talks on hold:** Senate adjourned through Labor Day
- Key LTC issues:
  - Litigation Immunity (HEALS)
    - Removes nursing home's liability for negligent care
    - Lifts protections for residents
  - Strike Teams (HEROES)
    - Federal funds to states specifically for strike teams to manage Covid-19 outbreaks in nursing homes.
  - Emergency Funding for PPE, testing, support
  - Guardrails for \$\$\$
- Tell Congress to say NO to immunity
  - Complete form via National Consumer Voice website:  
<https://secure2.convio.net/tncv/site/Advocacy?cmd=display&page=UserAction&id=149>





# VISIT LTCCC's Coronavirus Resource Center

[NURSINGHOME411.ORG/CORONAVIRUS/](https://NURSINGHOME411.ORG/CORONAVIRUS/)

Select tabs to access  
different materials



 COVID-19 Resources

 Data


 News & Reports


 Federal Guidance/Requirements

## LTCCC Resources

FACT SHEET: NURSING HOME CARE & THE CORONAVIRUS

FACT SHEET: INFECTION PREVENTION AND CONTROL


 NURSING HOME 411 PODCASTS

 LTCCC WEBINARS

ISSUE ALERT: INFECTION CONTROL & PREVENTION

## Other Organizations

CONSUMER VOICE: SUPPORTING CORONAVIRUS PREVENTION IN LTC FACILITIES

 CARES ACT "STIMULUS CHECK" FACT SHEET

JUSTICE IN AGING COVID-19 RESOURCES

CANHR COVID-19 RESOURCES



# + Coronavirus Resource Center: Resources

## ■ Fact Sheets

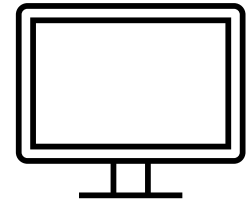
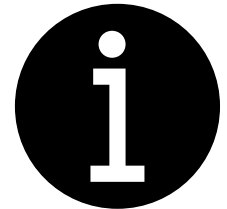
- Nursing Home Care & The Coronavirus
- Infection Control
- Stimulus Checks (Center for Elder Law & Justice)

## ■ Webinars

- COVID-19: News, Review, & Resources
- Identifying and Addressing Nursing Home Abuse & Neglect
- Understanding & Advocating for Residents With Dementia

## ■ LTCCC's Nursing Home 411 Podcast

- 'It takes a team. A family': How a Baltimore nursing home has kept out the coronavirus
- 'The Eyes, Ears, and Voice': Why Nursing Home Visitation Saves Lives
- COVID-19 Litigation Immunity Implications with attorney Will Smith

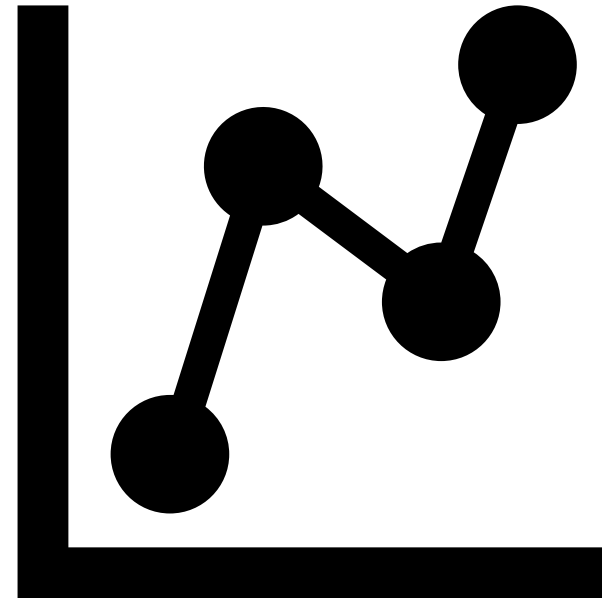




# Coronavirus Resource Center: Data

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- COVID-19 Cases & Fatalities
  - Facility Level
  - State Level
  - New York
- Nursing Home Testing Allocations
- Staffing
- Provider Info
- Infection Control & Citations



# + Coronavirus Resource Center: News & Reports

- LTCCC's Blueprint for Restoring Visitation Rights
- LTCCC'S Emergency Action Plan for NY State
- LTCCC's New York Times Op-Ed
- Infection Control Issue Alert

## LET OUR PEOPLE IN

### A Blueprint for Restoring Residents' Rights to Visitation and Care

**Background.** Visits from family and friends are vital to the health and well-being of residents in long term care facilities. In addition to providing the social connection and emotional support that all humans need to thrive, visitors provide essential monitoring and care.

Too many residents have been robbed of this essential right at a time when they have needed it most. In March, the Centers for Medicare & Medicaid Services (CMS) blocked visitation for nursing home residents except "for certain compassionate care situations, such as an end-of-life situation."<sup>1</sup> Sadly, many facilities have misinterpreted this to mean *only* at the very end of life. Perversely, this has resulted in many residents dying alone.



# Coronavirus Resource Center: Federal Guidance & Requirements

- CMS FAQ on Nursing Home Visitation
- CMS Reopening recommendations
  - Case status in community & facility
  - Staffing
  - Testing
  - PPE
  - Local hospital capacity
- Survey & Enforcement Memo
  - Corrective action plan for facilities without infection control surveys
  - On-site surveys for select facilities
- CDC Fact Sheets and resources





# Fundamental nursing home requirements

# + How did we get here?...

## ■ Leading up to the pandemic:

- ▶ **Low staffing:** 75% of nursing homes fail to maintain sufficient staff to even meet residents' basic clinical needs.
- ▶ **Poor infection control:** "Infection Control Deficiencies Were Widespread and Persistent in Nursing Homes Prior to COVID-19 Pandemic" – U.S. Government Accountability Office.

*Prior to the COVID-19 pandemic, we found that most nursing homes were cited for infection prevention and control deficiencies (82% of those surveyed from 2013-2017). About half of these homes had persistent problems and were cited across multiple years.*

<https://www.gao.gov/products/GAO-20-576R>

- ▶ **Inadequate monitoring and oversight** by state health departments & CMS: The requirements for nursing home care and quality of life are strong, but they are not self-implementing.

## ■ During the pandemic:

- ▶ Blockade on family & LTC ombudsman visitation.
- ▶ No regular surveys & extremely limited response to complaints.



# ...and How Do We Get Out?

## ■ Immediately...

- ▶ Resume regular state surveys & complaint investigations.
- ▶ Resume family & ombudsman visitation.
- ▶ Triage facilities where residents are in distress.

## ■ Near term...

- ▶ Accountability for any “relief” funds given to the industry.
- ▶ Push back “burden reduction” given to facilities over last three years, including proposed relaxation of infection preventionist requirement & grievance officer requirement.
- ▶ Improve enforcement and oversight, including for sufficient staffing, infection control, medical direction and administration, QAPI.

## ■ Now & moving forward, changes need to address deficiencies in nursing home...

- ▶ Structure.
- ▶ Policy.
- ▶ Practice.



**Today, we are starting this important discussion.**



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**Guest speaker: Cathy Unsino, LCSW**

Advocate for Nursing Home Reform and Transformation.





# Thank You For Joining Us Today!

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Email [info@ltccc.org](mailto:info@ltccc.org) or call **212-385-0355** if you would like to...

Receive alerts for future programs or sign up for our newsletters.

**Next Program:** September 22<sup>nd</sup> at 1pm.

**Topic:** Focus on Residents'... Right to Vote, Right to Self-Determination, and Right to Equal Access to Quality Care.

You can also...

- Join us on **Facebook** at [www.facebook.com/ltccc](http://www.facebook.com/ltccc).
- Follow us on **Twitter** at [www.twitter.com/LTCconsumer](http://www.twitter.com/LTCconsumer).
- Visit us on the **Web** at [www.nursinghome411.org](http://www.nursinghome411.org).



Questions?

Comments?

LTC Ombudsmen: If your program supervisor allows credit for attending this training program, please take the quick survey at: <https://www.surveymonkey.com/r/ltccc-ltcop1>.