

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

NEW 2020 ELDER JUSTICE “NO HARM” DEFICIENCIES SEARCHABLE ISSUE GUIDE

January 13, 2021 – LTCCC is releasing a [new Elder Justice webpage](#) featuring all of the Elder Justice Newsletters published in 2020. The page includes links to 10 newsletters as well as a searchable issue guide detailing the 43 “no harm” deficiencies covered in the newsletters this past year. This user-friendly file provides summaries of each “no harm” deficiency and can be sorted by provider name, state, city, zip code, and CMS star rating.

What is a “No Harm” deficiency? – Nursing homes voluntarily participating in the Medicare and Medicaid programs agree (and are paid) to adhere to minimum standards of care established by the federal Nursing Home Reform Law and its implementing regulations. These standards exist to ensure that every nursing home resident is provided services that help attain and maintain their “highest practicable physical, mental, and psychosocial well-being.” Under the Reform Law, nursing homes that fail to meet the federal requirements are subject to various penalties, based on the scope and severity of the violation(s).

Unfortunately, federal data indicate that most health violations (more than 95%) are cited as causing “no harm” to residents. The failure to recognize resident pain, suffering, and humiliation when it occurs too often means nursing homes are not being held accountable, since, generally, speaking, penalties are only imposed when harm is identified by state surveyors (nursing home inspectors). In the absence of a financial penalty, nursing homes may have little incentive to correct the underlying causes of resident abuse, neglect, and other forms of harm.

The Elder Justice Newsletter, published with the [Center for Medicare Advocacy](#), provides examples of health violations in which surveyors identified neither harm nor immediate jeopardy to resident health, safety, or well-being. The newsletter aims to provide readers with real stories of resident pain, suffering, and humiliation from across the country, so that readers can judge for themselves whether a violation was “no harm.” The examples are taken directly from Statement of Deficiencies (SoDs) on CMS’s [Care Compare](#) (formerly Nursing Home Compare) website.

Examples from our last newsletter of 2020 include:

- **Manhattanville Health Care Center (New York)** – Speed over safety: Resident fractures hip as facility fails to follow transfer protocols.
- **Maple Springs of Wasilla (Alaska)** – What’s the plan? Absence of behavioral health interventions results in use of chemical restraints.
- **Oceanside Skilled Nursing and Rehabilitation (New Hampshire)** – Not worth the weight: Facility fails to monitor residents’ health and provide sufficient food.
- **Southern Specialty Rehab & Nursing (Texas)** – Locked up: Unsupervised resident leaves facility and spends evening in jail.

To receive the monthly Elder Justice Newsletter, please sign up for LTCCC alerts at <https://nursinghome411.org/join/>.