

THE LTC JOURNAL

The Long Term Care Community Coalition

Fall 2021

For the latest news and resources, please visit www.NursingHome411.org.



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A NOTE FROM LTCCC

LTCCC’s quarterly newsletters deliver information on research, news, and reports relevant to the long-term care community and highlight useful and interesting LTCCC resources and materials. Thank you for joining us in our mission to make a positive difference in the lives of long-term care residents!

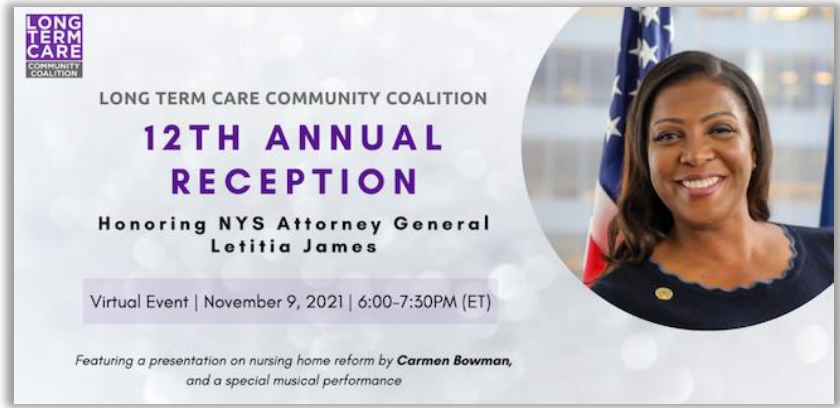


NEW AT NURSINGHOME411

LTCCC's resources are **free** to use and **easy** to share. This section highlights resources recently published on our website, www.nursinghome411.org. **To receive updates & alerts on LTCCC'S new resources, visit www.nursinghome411.org/join/ or call 212-385-0355.**

SAVE THE DATE!

The Long Term Care Community Coalition is excited to host its 12th annual reception on Tuesday, November 9 from 6-8pm (ET). We hope you can join us for an evening of celebration. For more details (including ticket and registration information), please visit nursinghome411.org/reception-12.



‘A FAST TRACK TO HOMELESS SHELTERS’ AND MORE IN LTCCC’S MONTHLY WEBINARS

LTCCC conducts [free monthly Zoom webinars](#) on a variety of timely nursing home topics led by advocates and experts in long-term care. Our July webinar, “[Involuntary Nursing Home Discharges: A Fast Track from Nursing Homes to Homeless Shelters](#),” featured Tanya Kessler, a senior staff attorney at Mobilization for Justice. All webinars are available on [our YouTube channel](#) and on the [NursingHome411 webinar and events page](#). Visit nursinghome411.org/join/ to sign up for LTCCC alerts and invites to future programs.

A LETTER TO GOVERNOR HOCHUL: WE MUST ACT QUICKLY

LTCCC welcomes Governor Kathy Hochul to her new office and looks forward to working with the administration to protect the lives and dignity of New York’s long-term care residents. Visit nursinghome411.org/letter-Hochul to read our full letter to Governor Hochul as well as our [statement on public priorities](#) for nursing home reform and a [policy brief on nursing home funding](#).

MOST NURSING HOMES FAILED TO MEET FEDERAL STAFFING THRESHOLD

Numerous studies have found that nursing homes with higher staffing levels are better equipped to meet their residents’ care needs. Though COVID-19 vaccinations have helped nursing homes mitigate risk of infections and fatalities, residents have continued to suffer due to pervasive understaffing that can lead to neglect and poor quality of care.

Staffing Facts for Q1 2021:

- Less than two in five (37%) U.S. nursing homes met the total care staff threshold (4.10 HPRD).
- Total resident census recovered to reach 1.10 million, a 3% increase from the start to end of Q1 2021.
- RN DON and RN Admin account for one third (32%) of total RN hours nationwide.

LTCCC publishes quarterly staffing data for every U.S. nursing home. The latest federal data from the first quarter of 2021 indicate that most U.S. nursing homes (63%) failed to provide sufficient staffing to meet their residents' needs. [Check out LTCCC's Q1 2021 staffing report](#) and download easy-to-use files for every state.

CMS NURSING HOME COVID VACCINATION DATA

LTCCC is providing a [user-friendly spreadsheet](#) (updated monthly) tracking COVID-19 vaccinations for residents and staff in U.S. nursing homes. Data are reported by nursing homes to the CDC and published by CMS at <https://data.cms.gov/covid-19/covid-19-nursing-home-data>.



Note: [The Biden administration has made it mandatory for all nursing home staff to be fully vaccinated](#) in order to continue receiving federal funding. As of August 29, less than two-thirds of nursing home staff (62.7%) have been vaccinated.

NEW YORK COVID-19 FATALITY DATA: NURSING HOMES & ADULT CARE FACILITIES

LTCCC is providing a [user-friendly spreadsheet](#) tracking COVID-19-related deaths from New York's nursing homes, assisted living facilities, and other adult care facilities based on New York Department of Health (DOH) data.

FAMILY COUNCIL MEETINGS IN THE NURSINGHOME411 ZOOM ROOM

LTCCC is pleased to support nursing home family councils and family member settings with our **free** NursingHome411 Zoom Room. Reserve a room—no time limits!—by visiting bit.ly/fam-council.

THE NURSINGHOME411 PODCAST: A STORY OF NEGLECT

LTCCC's "NursingHome411 Podcast" features topical interviews, issue-oriented programming, and audio versions of our webinars. A recent episode, "[A Story of Neglect](#)" featured an interview with Eilon Caspi, PhD, author of [Understanding and Preventing Harmful Interactions Between Residents with Dementia](#). Caspi discussed the causes of resident-to-resident incidents, how these incidents relate to neglect, and more. Eilon is the co-director of the documentary [Fighting for Dignity](#) produced by Terra Nova Films. Listen to the Nursing Home 411 Podcast on our website at <https://nursinghome411.org/podcast/>, and on [Spotify](#), [Apple Podcasts](#), and [Google Podcasts](#).

We thank the [Fan Fox & Leslie R. Samuels Foundation](#) and [The New York State Health Foundation](#) for supporting the development of these resources.

NEWS & BRIEFS



CMA: NURSING HOME INDUSTRY IS HEAVILY TAXPAYER-SUBSIDIZED

Each year, nursing homes receive billions of dollars through Medicare and Medicaid to provide care for residents. But it's not just these government health care programs that fund the industry; nursing homes also receive extensive government subsidies through income-related public benefit programs to support their underpaid staff.

A new report by The Center for Medicare Advocacy, [Nursing Home Industry is Heavily Taxpayer-Subsidized](#), highlights just how heavily nursing homes are subsidized by taxpayers. According to the report, between 36% and 42% of direct care workers depend on public assistance for themselves and their families. This amounts to billions of dollars in government subsidies just to support staff; the Center estimates that each year, staff receive \$2.6 billion in Medicaid, \$600 million in food assistance, and \$500 million in earned income tax credit. Until nursing home workers receive living wages, health benefits, and paid time off, taxpayers will continue paying nursing homes billions of dollars each year just to subsidize their staff.

"...until all nursing home workers' wages are raised to (at least) living wages and until all workers receive health benefits and paid time off, the Government will continue to subsidize nursing homes by billions of dollars by providing needs-based public benefits and earned income tax credits to the nursing home industry's low-paid workers."

- Center for Medicare Advocacy

OIG: BACKLOGS OF STANDARD SURVEYS

Seven in 10 nursing homes (71%) have gone at least 16 months without a standard survey as of May 31, 2020, [a report by the Office of Inspector General OIG](#). Though states are required to conduct standard surveys of facilities at least every 15 months, CMS restricted standard surveys and shifted oversight to infection control surveys for many months during the COVID-19 pandemic. In the report, OIG calls on CMS to prioritize this backlog of surveys to ensure that nursing homes are meeting the minimum standards necessary to maintain the safety and wellbeing of residents.

Note: 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. Find the latest issues at [NursingHome411](#).

A WIN FOR RESIDENTS – A PRIVATE RIGHT OF ACTION

The U.S. Court of Appeals ruled in [Talevski v. Health and Hospital Corp. of Marion County](#) that nursing home residents in publicly-owned facilities have the right to sue to enforce their rights identified in the federal Nursing Home Reform Law of 1987. Gorgi Talevski sued state-run nursing facility Valparaiso Care and Rehabilitation for violation of his rights under the Reform Law to be free from chemical restraints imposed for purposes of discipline or convenience and the right not to be transferred or discharged unless certain criteria are met. While the district court dismissed Talevski's action for failure

to state a claim based on its finding that Reform Law does not provide a private right of action, the Court of Appeals held that he met all three standards for finding an implied right of action as set out by the U.S. Supreme Court. LTCCC joined AARP and other advocacy organizations in an amicus brief submitted in support of the Talevskis who brought the case in the Seventh Circuit.

MORE LTC NEWS HIGHLIGHTS

- **On immunity laws...** “What’s new in North Carolina is that it’s the first state where immunity claims are being cited in court by facilities to defend themselves against cases that are not related to covid-19 and treatment. Such arguments could be more common. Just three of the 38 states with pandemic immunity laws specifically restrict the protections to coronavirus exposure or infection, according to the survey by National Consumer Voice.” -[The Washington Post](#).
- **A trillion-dollar market...** “The worldwide long-term care market was valued at \$983.3 billion in 2020 and is expected to expand at a compound annual growth rate of 7.1%, reaching \$1.7 trillion by 2029...” -[McKnight’s Senior Living](#).
- **A costly clerical error...** “By its own admission, the California Department of Public Health incorrectly listed a controversial nursing home operator as holding permanent licenses for two Los Angeles-area nursing homes. Department officials failed to realize their mistake for five years, until advocates pointed it out this spring. Now department officials say they won’t fix it.” -[CalMatters](#).
- **A policy reversal...** “As the Delta variant raises fresh concerns about the safety of the nation’s nursing homes, the Biden administration has quietly reversed a controversial Trump policy that had limited the fines levied on facilities that endangered or injured residents. -[The New York Times](#).

LTC RESEARCH



THE LINK BETWEEN COGNITIVE DECLINE AND THE RISK OF FALLING

A decline in brain function in seniors may contribute to an increased risk of falls during a stay in a nursing home according to a [University of Texas-led research team](#). The researchers followed 815,927 short-stay nursing home residents admitted to a skilled nursing facility (SNF) within three days of hospital discharge. The residents who were classified with a cognitive status of mild, moderate, or severe impairment were associated with higher odds of fall risk compared to residents classified as intact. The authors concluded that, “[activities of daily living] limitations and impaired balance are risk factors for falls but may not contribute to the increased fall risk for SNF residents with cognitive impairment.”

SOCIALLY ISOLATED FACILITIES

Long-term care facilities in socially isolated neighborhoods, indicated by high proportions of older adults living in single-person households, were associated with increased risk of 30-day all-cause mortality among residents, [a new study published in JAMA finds](#). Researchers generated maps to visualize the geographic location of LTC facilities, mostly found in areas with the highest levels of social isolation of older adults.

“Long-term care facilities in socially isolated neighborhoods were associated with increased risk of 30-day all-cause mortality among residents.”

- Chanhyun Park, PhD; Daniel Kim, MD, DrPH; Becky A. Briesacher, PhD

As seen throughout the COVID-19 pandemic, social isolation among residents has led to increased depression, anxiety, and failure to thrive. This study points to the increased risk of social isolation that is exacerbated by the location of the facility. The authors conclude with a recommendation for special attention and strategies to keep LTC residents connected to family and friends to contribute to improved health trajectories.

MORE LTC RESEARCH HIGHLIGHTS

- **Invisible care costs...** “Some older adults have diligently prepared for their future. They purchased long-term care insurance when it was still affordable, then paid the premiums each month, even as they continued to rise. This is not the norm. Many adults have no plan at all, or assume that Medicare, which currently kicks in at age 65, will cover their health costs.” -[Vox](#).
- **On racial disparities in COVID-19 vaccine acceptance...** “Although many factors contribute to individual decisions regarding vaccination, the systemic historical inequalities and medical mistreatment that many minority communities have faced only further exacerbated concerns and fears around vaccine safety.” -[The Journal of Post-Acute and Long-Term Care Medicine](#).
- **Food for thought...** “Lack of energy is highly prevalent in nursing homes, and residents who report feeling this way may be suffering from malnutrition, a new study from France finds.” -[McKnight’s Senior Living](#).

LTCCC IN THE MEDIA

LTCCC is a leading voice in media advocating for residents in nursing homes and other long-term care facilities. Following are some of the recent news reports in which LTCCC has appeared:



- [The New York Times](#) referenced LTCCC’s data in its report, “Phony Diagnoses Hide High Rates of Drugging at Nursing Homes.” This report focused on the serious issue of the use of dangerous antipsychotic drugs as a chemical restraint of nursing home residents. [For more information on this issue, and tools for resident-centered advocacy, visit the [Dementia Care Advocacy Toolkit](#) on [nursinghome411.org](#).]
- LTCCC executive director Richard Mollot spoke with [Medical Marketing and Media](#) about the lack of enforcement in the LTC industry saying, “[t]hey’re treated as unimportant and therefore

there's virtually never a penalty associated with them. It's astounding to me and just beyond disheartening that we, as a highly paid industry with sacred responsibility for very vulnerable people, are still talking about basic hand-washing."

- [The Philadelphia Inquirer](#) highlights LTCCC's staffing data: "During the first three months of this year, 163 of Pennsylvania's 681 nursing homes already provided at least 4.1 hours of care per day, according to federal data from the [Long Term Care Community Coalition](#). The median amount of care — which means half provided more and half provided less — was 3.45 hours per day, which indicates that the proposed increase would be smaller than going from 2.7 hours to 4.1 hours."
- Speaking on essential support person laws, Mollot discussed the inconsistency of the state laws with [Kaiser Health](#) and said they are "a poor substitute for comprehensive federal rules if they were rigorously enforced. The piecemeal approach leads to and exacerbates existing health care disparities and that puts people — no matter what their wealth, or their race or their gender — at an even greater risk of poor care and inhumane treatment."
- Mollot spoke to the [Times Herald-Record](#) about the level of vaccine resistance among Black and Latino nursing home workers. "These communities have had poor experiences with the medical community for many decades and, unfortunately, there were few steps taken to mitigate this mistrust when the vaccines rolled out last year," Mollot said.
- [CNN](#) covered staffing shortages brought on by the COVID-19 pandemic but stressed that these shortages are not new. "Nursing homes are perpetually understaffed and the reason for that is because there are no federal minimum staff-to-patient ratio standards," Mollot said.
- The [Texas Tribune](#) focused on veterans' homes in Texas during the COVID-19 pandemic. "It's particularly disheartening to see government officials fail to ensure proper care for a population that gave so much to keep Americans safe." Veterans' homes are "set up to care for people who have sacrificed — or dedicated at least a part of their lives to protecting our country. We've kind of stepped back, as a country, from protecting them just when they needed it most," Mollot said.

"They're treated as unimportant and therefore there's virtually never a penalty associated with them. It's astounding to me and just beyond disheartening that we, as a highly paid industry with sacred responsibility for very vulnerable people, are still talking about basic hand-washing."

- Richard Mollot, LTCCC

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Staff: Richard J. Mollot, Executive Director; Sara Rosenberg, Office Manager; Hayley Cronquist, Policy Attorney; Eric Goldwein, Director of Policy and Communication; Nina Loewenstein, Legal Analyst; Casey Chu, Policy Intern.

Board of Directors: Deborah Truhowsky, Esq., President; Joan Burke; Eilon Caspi, PhD; Patricia Fildes-Vosburg; Geoffrey Lieberman; Martin Petroff, Esq.; and Dennis Rosen.

Note: This document is the work of LTCCC. It does not necessarily reflect the views of the Department of Health, nor has the Department verified the accuracy of its content.