

THE LTC JOURNAL

The Long Term Care Community Coalition

Winter 2022

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



IN THIS ISSUE

A NOTE FROM LTCCC	1
NEW AT NURSINGHOME411	2
LTCCC'S 12 TH ANNUAL RECEPTION!.....	2
'I FEEL LIKE I'M IN PRISON': AN ORAL HISTORY OF COVID-19 IN NURSING HOMES	2
'ENFORCING THE NURSING HOME REFORM ACT' AND MORE IN LTCCC'S MONTHLY WEBINARS	3
LTCCC REPORTS: LAX ENFORCEMENT EXPOSES NURSING HOME RESIDENTS TO SUBSTANDARD CARE & NEGLECT.....	3
DANGEROUS ANTIPSYCHOTIC DRUGGING IS RAMPANT IN NURSING HOMES.....	4
STAFFING LEVELS DROP IN SECOND QUARTER OF 2021.....	4
THE NURSINGHOME411 PODCAST: WHAT 100% STAFF TURNOVER MEANS FOR NURSING HOME RESIDENTS.....	5
FAMILY COUNCIL MEETINGS IN THE NURSINGHOME411 ZOOM ROOM	6
NEWS & BRIEFS	5
ARBITRATION AGREEMENTS ARE NOT A PREREQUISITE FOR ADMISSION.....	5
STUDY: ISOLATION KILLS	5
OVERMEDICATED AND UNDERREPORTED.....	6
MORE LTC NEWS HIGHLIGHTS	7
LTC RESEARCH	7
PUBLICLY TRADED NURSING HOME COMPANIES FARE WELL DURING COVID-19.....	7
REGULATED DIRECT CARE STAFFING LEADS TO REDUCED HOSPITALIZATIONS IN ASSISTED LIVING	8
MORE LTC RESEARCH HIGHLIGHTS	8
LTCCC IN THE MEDIA	8

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.**

LTCCC'S 12TH ANNUAL RECEPTION!

The Long Term Care Community Coalition hosted its 12th Annual Reception on Tuesday, November 9. The event opened with powerful remarks by New York State Attorney General Letitia James, who was honored for her office's important work and [report on the impact of COVID-19 and inadequate infection control practices on nursing home residents](#). In addition, singer-songwriter, guitarist, and nursing home advocate [Bridget St. John](#) provided a beautiful mini-concert. Lastly, the event featured a thought-provoking keynote presentation by [Edu-Catering's Carmen Bowman](#), who provided information and insights on how federal nursing home regulations support (and in many ways mandate) culture change practices.

To watch a recording of the event, see the program brochure, and download the slides, please visit nursinghome411.org/reception-12.

Thank you to our sponsors for making this program possible.



'I FEEL LIKE I'M IN PRISON': AN ORAL HISTORY OF COVID-19 IN NURSING HOMES

The COVID-19 pandemic has been a devastating time for nursing home residents and their loved ones. To better understand their experiences, LTCCC produced an oral history of COVID-19 in long-term care settings. In this project, you will hear from residents, family members, ombudsmen, legislators, and advocates from across the United States. Go to nursinghome411.org/oral-history to listen to selected soundbites (transcribed) and full interviews for all 17 participants.

We hope this project will amplify the voices of those who have been silenced in the past two years. As we look to the future of long-term care, we must preserve the stories that shaped its past.

‘ENFORCING THE NURSING HOME REFORM ACT’ 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 October webinar, “[Enforcing the Nursing Home Reform Act](#),” featured Meryl Grenadier, an attorney at AARP Foundation Litigation. 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.

LTCCC REPORTS: LAX ENFORCEMENT EXPOSES NURSING HOME RESIDENTS TO SUBSTANDARD CARE & NEGLECT

LTCCC released a new report, [Broken Promises: An Assessment of Federal Data on Nursing Home Oversight](#), providing the results of a new study on the effectiveness of state and federal efforts to ensure that nursing home residents are safe and treated with dignity. With the generous support of [The New York Community Trust](#), LTCCC researchers assessed three years of federal data to gain insights into the extent to which the state survey agencies charged with protecting nursing home residents are fulfilling their mission.

LTCCC also released [A Guide to Nursing Home Oversight & Enforcement](#). The Guide is a useful resource for anyone interested in understanding what to expect from the government agencies charged with ensuring nursing home resident safety and dignity, from requirements for nursing home inspections to actions on complaints about resident abuse and neglect.

Want more information?: Our [November webinar](#) featured LTCCC’s executive director Richard Mollot and policy attorney Hayley Cronquist as they discussed what to expect from the government agencies charged with ensuring resident safety and dignity. In our [December webinar](#), LTCCC’s director of policy and communications Eric Goldwein discussed the reality of those expectations with a focus on survey and enforcement data.

Note: [The Department of Health and Human Services \(HHS\), Office of Inspector General \(OIG\) published a report](#) focused “on the top 25 unimplemented recommendations that, in OIG’s view, would most positively affect HHS programs in terms of cost savings, public health and safety, and program effectiveness and efficiency, if implemented.” The first unimplemented recommendation focused on the backlog of standard surveys and high priority complaint surveys that were suspended in the early months of the COVID-19 pandemic. OIG found that from March 23 to May 30, 2020, states conducted onsite surveys at 31 percent of nursing homes. During that same period in 2019, before the pandemic, states conducted onsite surveys at 53 percent of nursing homes. During the 2020 timeframe, surveyors identified fewer deficiencies, in part because of the limited scope and reduced time for onsite surveyors due to COVID-19.

Visit <https://nursinghome411.org/survey-enforcement/> for LTCCC’s report, the guide to state oversight requirements, and interactive maps and charts showing state and regional performance.

DANGEROUS ANTIPSYCHOTIC DRUGGING IS RAMPANT IN NURSING HOMES

In January, LTCCC published antipsychotic (AP) drugging rates (non-risk-adjusted) for US nursing homes for the second quarter of 2021. This information is important because the inappropriate use of antipsychotic drugs on nursing home residents is a longstanding and widespread problem. Too many nursing home residents are administered AP drugs as a form of chemical restraint, for the convenience of staff. However, they carry a FDA “black-box” warning due to greatly increased risk of harm and even death for elderly people. They are not a clinically appropriate treatment for so-called dementia “behaviors.” For these reasons, the rate of AP drugging can be an important indicator of the quality of care and staffing that a nursing home is providing.

The new data indicate that AP drugs are being administered to over one-in-five (20.87%) nursing home residents. Not only is this far too high, it represents a concerning increase since the start of the pandemic. To help visitors learn about the AP drugging rates of their nursing homes and those in their communities, we have posted them in individual files for each US state. These state files can be sorted by nursing home name, city, county, and AP rates. For this first time, this report also includes important information on ownership type, federal rating, and staffing levels for every nursing home.

Note: For more information on AP drugging concerns and the standards for the use of these drugs, dementia care services, and more, visit the [Dementia Care Advocacy Toolkit](#) on our website.

STAFFING LEVELS DROP IN SECOND QUARTER OF 2021

Nursing homes with higher staffing levels are better equipped to meet their residents’ care needs. Unfortunately, understaffing has been a widespread and persistent problem, even more so since the start of the COVID-19 pandemic.

To help the public gain insights into the staffing levels for their nursing homes and those in their community and state, LTCCC publishes quarterly staffing data for every U.S. nursing home (in compliance with federal staff reporting requirements). The latest federal data from the second quarter of 2021 indicate that, even when accounting for nurse administrative staff, most U.S. nursing homes (68.8%) failed to provide sufficient staffing to meet their residents’ needs. [Check out LTCCC’s Q2 2021 staffing report](#) and download easy-to-use files for every state.

Staffing Facts for Q2 2021:

- Less than a third (31.2%) of nursing homes met the total care staff threshold (4.19 HPRD) as determined by a landmark federal study.
- Total Nurse Staff HPRD (3.75) dropped 4.5% from Q1 2021 (3.92) while RN HPRD dropped 5.0% (from 0.69). The trend was consistent across the country as staffing levels declined in all 10 CMS Regional Locations.
- Average total resident census climbed 29,000 (1.1 million) from the previous quarter.
- Contract staff accounted for 5.75% of all nurse staff hours in Q2 2021 after accounting for 5.02% of nurse hours in the previous quarter.

THE NURSINGHOME411 PODCAST: WHAT 100% STAFF TURNOVER MEANS FOR NURSING HOME RESIDENTS

LTCCC's "NursingHome411 Podcast" features topical interviews, issue-oriented programming, and audio versions of our webinars. A recent episode, "[What 100% Staff Turnover Means for Nursing Home Residents](#)" featured an interview with health economist Ashvin Gandhi, on nursing home staff turnover and its impact on resident care. Listen to the Nursing Home 411 Podcast on our website at <https://nursinghome411.org/podcast/>, and on [Spotify](#), [Apple Podcasts](#), and [Google Podcasts](#).

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. In the Zoom Room, we host councils from across the country. Reserve a room—no time limits!—by visiting bit.ly/fam-council.

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

ARBITRATION AGREEMENTS ARE NOT A PREREQUISITE FOR ADMISSION

[A federal court has sided with the Centers for Medicare & Medicaid Services \(CMS\)](#) in regulating the use of arbitration agreements in long-term care facilities. A group of nursing homes filed the lawsuit against CMS alleging that a CMS regulation allowing nursing homes to use arbitration agreements with residents but not as a prerequisite for admission is in direct conflict with a host of federal arbitration laws. The court stated that in its view, "it is reasonable for CMS to conclude that regulating the use of arbitration agreements in LTC facilities furthers the health, safety, and well-being of residents, particularly during the critical stage when a resident is first admitted to a facility."



Nursing home arbitration agreements cannot include language that bans residents or their family members from contacting state, federal, and local authorities.

STUDY: ISOLATION KILLS

[A study by researchers in Toronto](#) found that nursing home residents without contact with family or friends during the COVID-19 pandemic had a 34.8 percent greater excess mortality in nursing home residents without contact with family or friends during the COVID-19 pandemic compared to those with family or friend contact. The researchers evaluated changes in all-cause mortality rates of long-term care residents with and without contact with loved ones in Ontario, Canada, from January 1, 2017

to September 30, 2020. They used March 14, 2020, when visitation restrictions were implemented, to define pre-pandemic and pandemic periods. Researchers noted the residents with no contact may have experienced reduced access and/or deficiencies in care with no family or friends to advocate for them, and lower resiliency to pandemic-related stressors due to isolation and loneliness.

Note: Visitation restrictions during the COVID-19 pandemic have taken a great toll on residents' physical, psychosocial, and mental well-being. The study above reinforces the critical necessity of support and interaction between nursing home residents and their loved ones. The Long Term Care Community Coalition has continuously advocated for meaningful access to visitation throughout the COVID-19 pandemic.

"The findings are consistent with other research conducted throughout the pandemic that found lonely seniors may have shorter lifespans and fewer healthy years than their peers."

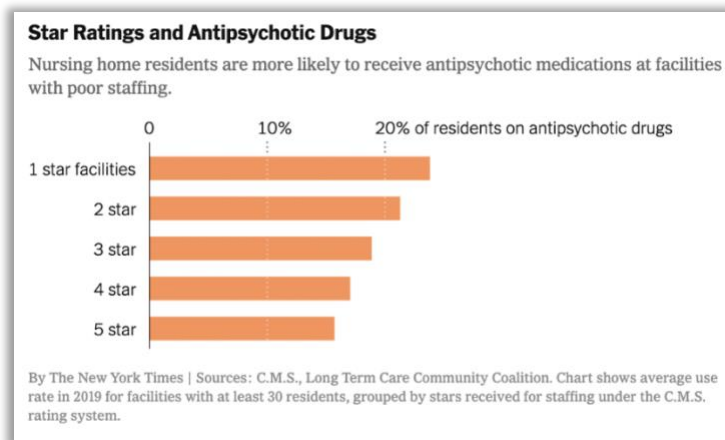
- McKnight's Senior Living

OVERMEDICATED AND UNDERREPORTED

A [New York Times investigation](#) revealed that at least 21 percent of nursing home residents are on antipsychotic (AP) drugs, a stark difference from the rates reported by Medicare. [Medicare's webpage](#) reports fewer than 15 percent of residents are on such medications, but that risk-adjusted figure excludes patients with diagnoses of schizophrenia, Tourette's syndrome, and Huntington's disease. This loophole was based on the theory that nursing homes shouldn't be penalized for administering antipsychotics to residents whose conditions required those drugs. However, since 2012, schizophrenia diagnoses of residents have increased from seven to 11 percent, despite most legitimate schizophrenia diagnoses occurring before age 40. Phony diagnoses may be driving this increase, according to *The Times*.

Antipsychotic drugs are often used to subdue and sedate residents in place of hiring more staff to provide appropriate care. During the COVID-19 pandemic, as staffing rates dropped, the use of antipsychotics rose.

The Times referenced [LTCCC's antipsychotic drugging data](#) (see above discussion on the latest AP drugging data) in a chart to illustrate how nursing home residents are more likely to receive antipsychotic drugs at lower-rated facilities.



MORE LTC NEWS HIGHLIGHTS

- **On nursing home ownership...** “New York State’s Health Department says it will soon issue guidelines to implement a new law that requires nursing homes for the first time to clearly publicly disclose whether their facilities do business with a related company.” -[Buffalo News](#).
- **On nursing home inspections and ratings...** “The Times this year has documented a series of problems with Medicare’s ratings system... But the problems with the inspection process, which are the core of the ratings systems, are the most consequential. On-the-ground inspections are the most important factor in determining how many stars homes receive in Medicare’s rating system. The reports that inspectors produce give the public an unvarnished view inside facilities that house many of the country’s most vulnerable citizens.” -[The New York Times](#).
- **On the vaccine mandate...** “A vaccine requirement for staff at all U.S. nursing homes and other federally funded healthcare facilities can proceed, the Supreme Court said...” -[McKnights Long-Term Care News](#).
- **On staff vaccination rates...** “Nursing homes with the lowest staff vaccination rates had more than two times the resident COVID-10 cases and nearly three times the resident COVID-10 deaths compared with nursing homes with the highest staff vaccination rates.” -[Skilled Nursing News](#).
- **On nursing home staffing data...** “The Centers for Medicare & Medicaid Services late Friday announced that it will be posting nursing home staff turnover rates and weekend staffing levels on the consumer-facing Medicare Care Compare site this month... The moves intensify pressure on providers that are facing a historic workforce shortage with no clear end in sight.” -[McKnights Long-Term Care News](#).

LTC RESEARCH



PUBLICLY TRADED NURSING HOME COMPANIES FARE WELL DURING COVID-19

[Researchers examined the financial status of publicly traded nursing home companies](#) and found that, despite industry claims of serious financial damage, the COVID-10 pandemic had little financial impact on those companies. In response to the pandemic, state and federal governments poured money into nursing homes to assist with additional expenses, such as PPE and testing. Even with the billions of additional funds, nursing home corporations claimed to be on the brink of bankruptcy. However, researchers found that, “Nursing home corporate revenues did not collapse in 2020 compared to 2018 and 2019. In fact, of the 11 companies, only four had lower revenues in 2020 than in 2019.”

For more information on nursing home profits, check out LTCCC’s webinar, [“The Hidden Profits Behind Poor Nursing](#)

“Legislators, advocates, and the public need, and are entitled to, specific financial information from both public and nonpublic nursing home corporations along with data concerning how the relief funds were used by the nursing home industry.”

- David E. Kingsley PhD, Charlene Harrington PhD, RN

[Home Care](#),” featuring Dave Kingsley, PhD, co-author of [COVID-19 Had Little Financial Impact on Publicly Traded Nursing Home Companies](#).

REGULATED DIRECT CARE STAFFING LEADS TO REDUCED HOSPITALIZATIONS IN ASSISTED LIVING

Researchers found that increased regulation of direct care staff in assisted living settings leads to a reduction in the risk for hospitalization of residents, but that more specific regulations of licensed practical nurses leads to an increase. The study focused on a sample of Medicare beneficiaries living in assisted living settings and a subgroup of residents living with dementia. The results of this study can inform states’ policy decisions about staffing requirements for assisted living settings.

For more on assisted living, [watch LTCCC’s February 15 webinar featuring Paula Carder](#), co-author of [The Relationship Between States’ Staffing Regulations and Hospitalizations Of Assisted Living Residents](#).

MORE LTC RESEARCH HIGHLIGHTS

- **On antidepressants in long-term care...** “An antidepressant commonly used to address agitation in long-term care residents with dementia does not work any better than a placebo, a new study finds... What’s more, patients who took the drug had potentially higher odds of death, they noted.” -[McKnights Long-Term Care News](#).
- **On solo seniors and support...** “Research shows that many seniors living alone prefer to recover from acute illness in their own homes, rather than in long-term care facilities... Older adults who said they could count on a friend or relative to “help with personal care if needed,” in the event of a hospitalization of at least two days or a new diagnosis of a life-threatening condition, reduced their risk of requiring institutional care over a two-year period from 14.2 percent to 10.9 percent.” -[UCSF](#).
- **On music therapy for Alzheimer’s patients...** “Repeated exposure to well-known music that has deep connections to important life events improved cognition in all participants, stimulating neural connectivity in these key brain areas, Michael Thaut, Ph.D., of the University of Toronto, reported.” -[McKnight’s Senior Living](#).
- **On nursing home staff vaccinations...** “In the presence of high community prevalence of Covid-19, nursing homes with low staff vaccination coverage had higher numbers of cases and deaths than those with high staff vaccination coverage. These findings show the extent to which staff vaccination protects nursing home residents, particularly in communities with high Covid-19 transmission.” -[NEJM.org](#).

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:

- LTCCC’s new nursing home oversight report, “Broken Promises,” was featured in a must-watch Vice News video. “A recent study by [LTCCC] found that inspectors consistently overlooked

dangerous conditions, describing them as not harmful to patients, and when they involve actual injury.” [Watch the video: How Nursing Homes Hide Profits While Residents Suffer.](#)

- LTCCC executive director Richard Mollot spoke with [Lohud](#) about the consequences of understaffed nursing homes saying, “We know that, in the face of COVID, staffing saves lives. New York’s failure to ensure adequate staffing, effective infection control, and access to visitation by residents’ families in the first wave of COVID cost lives.”
- [U.S. News](#) cited [LTCCC’s antipsychotic data](#) as a source for a FAQ article on nursing home ratings.
- Speaking to [WFBO](#) on new staffing and profit regulations in New York, Mollot said, “There’s kind of like a misery index when it comes to nursing homes: The more miserable the care for nursing home residents, the higher the profits are for the industry. And that is really where our provider associations in New York constantly come down on is maximizing the profits, no matter what the end result is, no matter what the costs are for residents and families.”
- [WFBO](#) referenced [LTCCC’s 2019 report](#), “Patients vs. Profits: An Assessment of the Impact of For-Profit Ownership on Nursing Home Staffing and Safety in New York,” which found that New York’s for-profit nursing homes have worse average federal inspection scores than nonprofit and government-run nursing homes.
- When Hurricane Ida hit Louisiana, seven nursing homes placed their residents in what was described as an industrial warehouse. Mollot spoke to [WWL-TV](#) and said, “It was frankly shocking to me, even after all these years, to read those reports and see what was going on online because of the foundational risk the residents were being put into.”
- [MarketWatch](#) looked to [LTCCC’s staffing data](#) in an article about labor shortages. “Despite the reported staffing shortages by the industry, the average nursing home’s direct-care staffing was about 3.6 hours per resident in the first quarter of 2021, broadly unchanged since the same time last year, according to the Long Term Care Community Coalition, a nonprofit advocacy group.”
- According to [Gothamist](#), after the New York state vaccine mandate, nursing homes saw a rise in staff vaccinations. “We are hearing of a significant uptick in vaccination rates and, at least anecdotally, not as many cases of staff leaving the industry was reported that it feared,” Mollot said.

“There’s kind of like a misery index when it comes to nursing homes: The more miserable the care for nursing home residents, the higher the profits are for the industry.”

- Richard Mollot, LTCCC

The LTC Journal

Winter 2022 Volume 8, Number 1. ©2022 The Long Term Care Community Coalition.

The LTC Journal is published quarterly by The Long Term Care Community Coalition, 209 West 29th Street #6252, New York, N.Y. 10001. Visit us on the Web at www.nursinghome411.org.

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

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.