

SENIOR CARE POLICY BRIEFING



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NEWSFLASH

- [The U.S. Supreme Court upheld a right to sue a nursing home](#) for violations of federal minimum safety requirements. Sadly, too many nursing homes maximize profits by providing substandard care and degrading conditions. Due to weak state & federal enforcement, the right to go to court when minimum standards are violated is essential.
 - "The modern-day nursing home industry began with the enactment of Medicare and Medicaid and their enormous infusion of federal reimbursement. Quality of care scandals erupted quickly." -[Brief of Toby S. Edelman \(Center for Medicare Advocacy\) as Amicus Curiae for the Respondent](#)
- [NY Attorney General James](#) brings case against fourth nursing home operator, [alleging diversion of \\$37.6 million](#) in government funding into "upfront profits."
 - Though industry lobbyists claim that widespread failures to provide safe staffing are due to inadequate Medicaid funding, the AG "[found evidence that](#), to prioritize their personal financial interests, Respondent owners made repeated business decisions to divert Medicaid funds from Van Duyn to related parties."

LTC BY THE NUMBERS

- **Medicare Advantage Disparities.** [A May 2023 federal study](#) revealed that Medicare Advantage enrollees, particularly those who were dually eligible for Medicare & Medicaid and had a low-income subsidy, experienced poorer clinical care compared to those not enrolled in these plans. [More than one in 10](#) of those jointly enrolled in Medicare & Medicaid lived in a long-term care nursing home or other institutional facility.
- **Alarming Discrimination Trends.** [A recent survey shows](#) that nursing home nurses encounter significant workplace racism, with 88% reporting incidents from patients and 62% experiencing it from colleagues.

GET THE FACTS

- Medicare overpaid physicians in facility settings by \$22.5 million due to coding errors, [according to an audit by the Office of the Inspector General](#). The audit recommended recouping the overpayments, establishing system edits, and considering legislative authority to ensure appropriate payment for physician services.
- [The increase of for-profit hospice programs \(now 73%\)](#) has led to a focus on profitability rather than the quality of care. [There is a need for increased oversight and regulation](#) to ensure that hospice care maintains its original mission of improving the well-being of dying individuals and their families.
- [A new study](#) finds nursing homes serving a higher proportion of black residents have higher rates of ER visits and hospitalizations. These disparities are not new and are the result of decades of weak oversight of predatory operators.



When residents are silenced, the consequences can be dire. A new LTCC report, "[They Make You Pay](#)", examines how fear of staff retaliation is silencing residents in US nursing homes. In this groundbreaking research, we capture the lived experiences of residents and explore how fear of retaliation disrupts their everyday lives. Visit [nursinghome411.org/retaliation](#) to read the report and accompanying materials.



VISIT [NURSINGHOME411.ORG/JOIN](#) OR SCAN QR CODE FOR THE ONLINE VERSION OF THIS BRIEF.

The Long Term Care Community Coalition is a non-partisan, non-profit organization dedicated to improving nursing home care. Visit [NursingHome411.org](#) for the latest data on staffing levels and quality for every U.S. nursing home as well as resources on resident rights, quality standards, and more.