

SENIOR CARE POLICY BRIEFING



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NEWSFLASH

- Frontline workers, often Black or Hispanic, experienced high mortality rates throughout the COVID-19 pandemic because of workplace exposures, [according to a new study](#). The study found that “[s]ome employers, with the support (and encouragement) of elected officials, put production and profits ahead of worker safety and health.”
- Nursing home “mogul” [Philip Esformes](#), who was previously convicted in [“the largest health care fraud scheme charged by the U.S. Justice Department,”](#) has [reached a plea agreement](#) on new charges related to “fraudulent billing” at his chain of nursing homes and assisted living facilities. Under the deal, Esformes will plead guilty to conspiracy, with the Justice Department dismissing five other charges, including bribery and money laundering.

LTC BY THE NUMBERS

- Following a *New York Times* investigation which, using LTCCC data, found that “Phony Diagnoses Hide High Rates of Drugging at Nursing Homes,” the Centers for Medicare & Medicaid Services (CMS) started auditing some facilities for inappropriate schizophrenia diagnoses. The result: [approximately 50% of the audited nursing homes admitted to misdiagnosing schizophrenia patients](#). Facilities that fail audits face reduced [star ratings](#) for six months and are required to address identified issues.
- Despite nursing home owners and operators alleging low-profit margins, [the Ensign Group](#) (the largest nursing home operator in the USA) paints a rosy picture, with new acquisitions, increased revenue, and a favorable outlook for the new year. [Ensign’s growing portfolio](#) includes 254 nursing homes across fourteen states. According to [federal data](#), Ensign has the fifth highest amount of fines in the country for violations of minimum standards of care (see below graphic).

GET THE FACTS

- Federal quality measures for assisted living facilities fail to measure actual quality or provide actionable information for consumers or regulators, according to a new report from Justice in Aging. [“An Illusion of Protection”](#) highlights concerns about these measures and calls for revisions to federal and state policies to enhance transparency, monitoring, and enforcement of quality standards.
⇒ Note: Though the report focuses on California, the [problems identified occur across the US](#).
- While the nursing home industry continues to blame nursing home closures on allegedly low Medicaid reimbursement rates and staffing “challenges,” [an article in Roll Call](#) reports that data indicate that nursing home closures (which are, in fact, [very infrequent](#)) are often the result of care issues.
- Meanwhile, [an industry publication reports](#) that the senior living sector ended last year with “better than expected momentum” and faces a positive outlook for 2024.

| Affiliated entity | Number of states and territories | | Average overall 5-star rating | Average total nurse hours per resident day | Total amount of fines in dollars |
|-------------------------------------|----------------------------------|-----------------|-------------------------------|--|----------------------------------|
| | Number of facilities | with operations | | | |
| National | 14,900 | 53 | 2.9 | 3.8 | 560,118,545.30 |
| SIMCHA HYMAN & NAFTALI ZANZIPER | 131 | 11 | 1.9 | 3.5 | 11,838,983.56 |
| GENESIS HEALTHCARE | 236 | 22 | 2.4 | 3.3 | 9,901,096 |
| INFINITY HEALTHCARE MANAGEMENT | 58 | 5 | 1.9 | 3.1 | 9,788,322.07 |
| COMMUNICARE HEALTH | 103 | 7 | 1.8 | 3.3 | 6,557,001.31 |
| THE ENSIGN GROUP | 254 | 14 | 3.3 | 3.6 | 6,527,043.38 |
| LIFE CARE CENTERS OF AMERICA | 198 | 29 | 3.1 | 3.7 | 6,205,806.37 |
| PETERSEN HEALTH CARE | 62 | 2 | 1.5 | 3.1 | 6,194,894.83 |
| APERION CARE | 38 | 2 | 1.9 | 2.9 | 5,137,279.50 |
| MEDILODGE | 50 | 1 | 3.1 | 3.9 | 5,022,988.95 |
| CIENA HEALTHCARE/LAUREL HEALTH CARE | 79 | 5 | 2.6 | 3.5 | 5,013,223.03 |
| CREATIVE SOLUTIONS IN HEALTHCARE | 110 | 1 | 2.4 | 2.9 | 4,777,034.01 |
| ATHENA HEALTHCARE SYSTEMS | 41 | 3 | 1.7 | 3.4 | 4,447,716.62 |
| MISSION POINT HEALTHCARE SERVICES | 24 | 1 | 2.3 | 3.3 | 4,093,999.74 |
| LEGACY HEALTHCARE | 55 | 3 | 2.5 | 3.3 | 3,975,520.85 |
| FUNDAMENTAL HEALTHCARE | 72 | 7 | 2.1 | 3.2 | 3,874,571.51 |
| CONSULATE HEALTH CARE/INDEPENDENC | 68 | 6 | 1.9 | 3.2 | 3,622,084.87 |
| SABER HEALTHCARE GROUP | 126 | 6 | 2.7 | 3.4 | 3,361,840.79 |
| SENIOR LIVING PROPERTIES | 46 | 1 | 1.8 | 3 | 3,128,639.84 |
| PROVIDENCE GROUP | 159 | 9 | 3 | 3.8 | 3,029,377.42 |
| VILLA HEALTHCARE | 19 | 3 | 2.3 | 3.4 | 2,905,407.87 |
| MAJESTIC CARE | 27 | 3 | 1.6 | 3.1 | 2,860,639.36 |
| NORTH SHORE HEALTHCARE | 59 | 4 | 2.8 | 3.2 | 2,780,326.69 |
| BEACON HEALTH MANAGEMENT | 25 | 2 | 1.2 | 3.2 | 2,659,621.29 |
| SKLD | 11 | 1 | 2.2 | 3.4 | 2,635,130.85 |
| RELIANT CARE MANAGEMENT | 20 | 1 | 1.3 | 1.7 | 2,615,243.67 |
| COMPLETE CARE | 72 | 7 | 2.8 | 3.6 | 2,597,094.97 |
| CARE INITIATIVES | 43 | 1 | 2.1 | 3.1 | 2,572,337.04 |
| REGENCY INTEGRATED HEALTH SERVICES | 58 | 1 | 2.7 | 3.1 | 2,569,009.46 |
| CCH HEALTHCARE | 30 | 3 | 1.9 | 3.5 | 2,567,355.36 |
| BENJAMIN LANDA & BENT PHILLIPSON | 61 | 5 | 2.7 | 3.6 | 2,565,085.19 |

The 30 top U.S. nursing home chains, as measured by amount of fines for failures to meet minimum standards. Data downloaded from [CMS Affiliated Entity](#) file on February 7, 2024.

