



THE VOICE

The e-newsletter of National Consumer Voice for Quality Long-Term Care

February 6, 2018

GAO Report Finds Gaps in Regulation of Assisted Living Facilities

The U.S. Government Accountability Office (GAO) issued a report finding large gaps in the regulation of assisted living facilities. The report found that states are spending more than \$10 billion a year in federal and state funds for assisted living services for more than 330,000 Medicaid beneficiaries. But, very little federal and state standards regulate the industry. The GAO report found that the federal government does not have basic information about the assisted living services being provided. More than half of states were unable to provide information on the number and nature of cases involving the abuse, neglect exploitation or unexplained death of Medicaid beneficiaries in assisted living facilities. Only 22 states were able to provide information on "critical incidents - cases of potential or actual harm," and in one year the states reported more than 22,900 incidents.

Read the full [GAO report](#), and find more information in the *New York Times* [article](#).

In light of the report, Consumer Voice is calling on states and the federal government to better protect assisted living

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facility residents. Read Consumer Voice's full statement [here](#).

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Human Rights Watch Publishes Report on Antipsychotic Use in Nursing Homes

Human Rights Watch has issued a report today on US nursing homes over-medicating residents with dementia. The report states, "In an average week, nursing facilities in the United States administer antipsychotic drugs to over 179,000 people who do not have diagnoses for which the drugs are approved. The drugs are often given without free and informed consent..." Studies show that the use of antipsychotic drugs nearly doubles the risk of death among older people with dementia. And too often, the drugs are used for their sedative effect rather than any medical benefit.

Federal law and some state laws require patients be informed about their treatment. The Human Rights Watch report found that non-consensual use of the drugs is "inconsistent with human rights norms," and the use of antipsychotic drugs as a chemical restraint "could constitute abuse under domestic law and cruel, inhuman, and degrading treatment under international law."

The report continues, "US authorities, in particular the Centers for Medicare & Medicaid Services (CMS) within the US Department of Health and Human Services, are failing in their duty to protect some of the nation's most at-risk older people...Although the federal government has initiated programs to reduce nursing homes' use of antipsychotic medications and the prevalence of antipsychotic drug use has decreased in recent years, the ongoing forced and medically inappropriate use of antipsychotic drugs continues to violate the rights of vast numbers of residents of nursing facilities."

The Human Rights Watch report offers specific recommendations to CMS, Congress, US Department of Justice, State Governments and State Long-Term Care Ombudsman Programs.

[Spotlight on Resources](#)

Call for Session Proposals for 2018 Consumer Voice Conference

We are looking for creative, engaging proposals for sessions during the 2018 Consumer Voice Conference, October 22-24, 2018 in Alexandria, Virginia.

Find more information on our [website](#).

Calendar of Events

Wednesday, February 7: [Suspicious Activity Reports and Their Role in Identifying and Remediating Elder Financial Exploitation](#), 2:00pm ET, Webinar from the Administration for Community Living

Thursday, February 22: [MDT Member Recruitment and Retention: Building Trust and Traction](#), 2:00pm ET, Webinar from Elder Justice Initiative

Wednesday, March 7: [Systems Advocacy: It's More than Legislative Work](#), 3:00pm ET, Webinar from NORC

Tuesday, March 20: [Dementia Care: Person-Centered Care Planning and Practice Recommendations Call](#), 1:30pm ET, Medicare Learning Network Call

May: [Older Americans Month](#)

October 22-24: Consumer Voice Annual Conference, Alexandria, Virginia

Read the full report [here](#). Learn more about the misuse of antipsychotic drugs on our [issue page](#).

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Updated Primer from LTCCC on Nursing Home Quality Standards

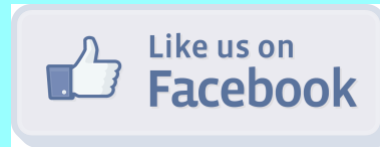
The Long Term Care Community Coalition (LTCCC) has revised and updated its Primer on Nursing Home Quality Standards to reflect changes to the federal nursing home requirements, guidelines and F-tags which began to go into effect November 2016. The Primer includes regulatory requirements which were identified as most essential to resident safety, dignity and well-being. The new document also features a Table of Contents with descriptive titles for each regulatory requirement and clickable hyperlinks to jump directly to relevant pages. View the Primer [here](#).

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Elder Justice Initiative Webinar on Multidisciplinary Team Member Recruitment and Retention

Join the Elder Justice Initiative Thursday, February 22nd at 2:00pm ET for their webinar, Multidisciplinary Team (MDT) Member Recruitment and Retention: Building Trust and Traction. Presenters at the webinar include Maro Casparian, Director of Consumer Protection at the Denver District Attorney's Office; Linda Loflin Pettit, Manager of Community and Government Relations for the Prosecution and Code Enforcement Section for the City and County of Denver; and Sgt. T.J. Blair of the Denver Police Department. The webinar will cover real-world solutions from Denver's Forensic Collaborative for At-Risk Adults, an elder abuse case review MDT. Register for the webinar [here](#).

Join the conversation and follow us on social media!



Last Week's Most Popular Post:

Tuesday, January 30:

[The future of the Money Follows the Person \(MFP\) program is at risk! The MFP program is one of the longest running, most successful Medicaid demonstrations.](#)



Last Week's Most Popular Tweet:

Monday, January 29:

[Lesbian, Gay, Bisexual & Transgender Long Term Care Facility Residents' Bill of Rights in California came into effect 01/01/2018; it's meant to protect LGBT older adults from discrimination or maltreatment in nursing homes and assisted living facilities.](#)

Long-Term Care Resources & News

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Newly Revised SNF Advanced Beneficiary Notice of Non-coverage

The Centers for Medicare & Medicaid Services (CMS) has released a newly revised Skilled Nursing Facility Advanced Beneficiary Notice of Non-coverage (SNFABN). The revised SNFABN will include newly developed instructions for form completion. It includes the requirements from the denial letters and looks very similar to the ABN with three different options. The 5 SNF Denial Letters and the Notice of Exclusion from Medicare Benefits - Skilled Nursing Facility (NEMB-SNF) will be discontinued. The revised SNFABN will be mandatory for use on May 7, 2018. For more information, click [here](#).

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National Partnership/QAPI Call on Person-Centered Care Planning

Register for the Medicare Learning Network call, "Dementia Care: Person-Centered Care Planning and Practice Recommendations," Tuesday, March 20 from 1:30pm - 3:00pm ET. This call will cover the phase two changes for person-centered care planning and discharge planning. Other updates provided during the call include information on the new Alzheimer's Association Dementia Care Practice Recommendations and updates on the progress of the National Partnership to Improve Dementia Care in Nursing Homes. Register for the call [here](#).

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Workgroup in Minnesota Publishes Report on Elder Abuse

A Consumer Workgroup in Minnesota, convened by AARP Minnesota at the request of the Governor, has published a

- [If Immigrants Are Pushed Out, Who Will Care for the Elderly?](#) *The New York Times*, February 2, 2018

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report on elder abuse in long-term care settings. The workgroup was created in response to a *Minneapolis Star Tribune* [article](#) which shed light on Minnesota's failure to protect older and vulnerable adults from abuse in nursing homes, assisted living settings and in their homes. The workgroup was also in response to a 2017 report from the Minnesota Office of Health Facility Complaints (OHFC) which reported a 600% increase in maltreatment reports since 2010 and the ability to investigate only 1%. The report recommends policy and agency practice changes including:

- Strengthening and expanding rights of older and vulnerable adults and their families;
- Enhancing criminal and civil enforcement of rights;
- Developing new licensure frameworks for assisted living and dementia care across residential settings; and
- Improving Minnesota Department of Health licensing regulation, OHFC enforcement and investigative process and Minnesota Adult Abuse Reporting Center reporting.

Read the full report [here](#). Read the report from the State Ombudsman [here](#).

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Spotlight on Resources

The Consumer Voice and the National Ombudsman Resource Center (NORC) have a multitude of resources available online covering a wide range of long-term care topics. Visit the [Consumer Voice website](#) and the [NORC website](#) to explore all the available resources. Take a look at this week's highlighted resource:

[The Misuse of Antipsychotics in Long-Term Care Facilities](#) - This issue sheet provides an overview of the dangers of antipsychotic use as a chemical restraint. The issue sheet is also available in [Spanish](#) and [Chinese](#).

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About The Voice

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Consumer Voice is the leading national voice representing consumers in issues related to long-term care, helping to ensure that consumers are empowered to advocate for themselves. We are a primary source of information and tools for consumers, families, caregivers, advocates and ombudsmen to help ensure quality care for the individual. Consumer Voice's mission is to represent consumers at the national level for quality long-term care, services and supports.

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