



THE VOICE

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

January 2, 2018

Save the Date: 2018 Consumer Voice Annual Conference

Save the date for our 2018 Annual Conference - October 22-24, 2018 at the [Crowne Plaza Old Town Alexandria](#) in Alexandria, Virginia.

The new conference hotel offers:

- Free wifi throughout the hotel *and* in meeting rooms
- Two on-site restaurants as well as in-room dining
- Free shuttle to Reagan National Airport, King Street Metro Station and Old Town Alexandria
- On-site fitness center
- Exciting location steps away from the [Old Town Alexandria](#) historic district and Potomac River

Stay tuned for more information on the agenda, registration and discounts. Can't wait to see you there!

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2018 Older Americans Month Theme Announced

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Combined Federal Campaign

#10552

Thank you for your support!

Older Americans Month is observed every May. The Administration for Community Living has announced this year's theme - Engage at Every Age. The theme emphasizes that you are never too old (or too young) to take part in activities that can enrich your physical, mental and emotional well-being and celebrates the many ways older adults make a difference in our communities. Being engaged can mean participating in activities to promote mental and physical wellness, offering your wisdom and experience to the next generation, and seeking the mentorship of someone with more life experience than you. Click [here](#) for more information.

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Policy Break: CMS Initiative to Examine Discharge Complaints

In recognition of the serious problem that is involuntary discharges of residents from nursing facilities, CMS issued an end of year memo to State Survey Agency Directors indicating an initiative whereby CMS will be examining State survey agency's intake and triage practices for these types of discharge complaints. CMS will also be considering interventions for addressing this issue, including developing examples of appropriate and inappropriate discharges for surveyors, identifying best practices for nursing homes, developing training, and evaluating enforcement options for these violations. See the memo [here](#).

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New York Times Article Highlights Trump Administration's Easing of Nursing Home Regulations

A recent [article](#) in the *New York Times* has highlighted how the Trump administration is easing regulations and lessening the use of fines against nursing homes that harm residents. In July, the Centers for Medicare & Medicaid Services (CMS) issued a [memo](#) persuading against the use

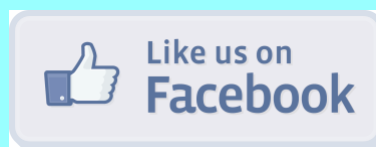
Calendar of Events

Tuesday, Jan. 9: [Legal Basics: Elder Financial Exploitation](#), 2:00pm ET

May: Older Americans Month

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

Join the conversation and follow us on social media!



Last Week's Most Popular Post:

Tuesday, December 26:
[2017 has been an action-packed year of advocacy](#)



Last Week's Most Popular Tweet:

Tuesday, December 26:
[2017 has been an action-packed year of advocacy to promote the voices of residents & protect consumer rights.](#)

of daily fines for violations that began before an inspection and encouraging one-time fines instead. The memo revised the civil money penalties (CMP) analytic tool in order to "increase national consistency in imposing CMPs". An [alert](#) from the Center for Medicare Advocacy highlighted how the new CMP Analytic Tool from CMS would not ensure patient safety and well-being as CMPs for nursing facilities "have historically been too low to provide meaningful incentive for most facilities to comply with federal standards of care". The CMS tool makes certain that CMPs remain low and therefore will not influence facility behavior or improve the quality of care and quality of life of residents.

The recent *New York Times* article chronicles the Trump administration's actions throughout the last year to continue to relax regulation of nursing homes. In October, CMS dissuaded its regional offices from imposing fines if the error was a "one-time mistake." In November, the Trump administration delayed penalties for 18 months for nursing homes that violated eight new safety rules. The Center for Medicare Advocacy's Senior Attorney Toby Edelman provides comment for the article, saying: "They've pretty much emasculated enforcement, which was already weak."

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Emergency Preparedness Legislation Introduced

On December 20, 2017, legislation to improve emergency preparedness in nursing homes was introduced in the House by Congresswoman Wasserman Schultz (FL) and Congressman Tim Walberg (MI). This bipartisan legislation is in response to the devastating impact on nursing home residents of one of the worst hurricane seasons on record.

The bill, H.R. 4704, the Nursing Home Comfortable Air Ready for Emergencies (CARE) Act, would:

- Codify the federal Emergency Preparedness rule that went into effect November 15, 2017 for nursing homes.
- Mandate that facilities have in place an alternate source of energy capable of powering heating, ventilation, and air conditioning (HVAC) system following a natural disaster for at least 96 hours.

Long-Term Care Resources & News

- [Infection Lapses Rampant in Nursing Homes But Punishment Is Rare](#) *Los Angeles Times*, December 21, 2017

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- Increase civil money penalties for facilities found out of compliance with CMS Requirements of Participation, including authorizing civil monetary penalties up to \$100,000 for non-compliance resulting in a resident's death.
- Direct the Secretary of HHS to review facilities based on the Emergency Preparedness (EP) rule and publish the findings on the Nursing Home Compare website.
- Create a loan fund for smaller facilities, or those serving more low-income residents, to come into compliance. Facilities must have a monthly rate of less than \$6,000 for private rooms, or have fewer than 50 beds, to qualify.
- Require states to prioritize nursing homes in the same manner as hospitals are prioritized in All-Hazards Public Health Emergency Preparedness and Response Plans, and to include in those plans information on how utilities plan to ensure that nursing homes return to functioning as soon as practicable following a disaster.

Consumer Voice believes this bill would better protect nursing home residents in emergencies and is pleased to have assisted Congresswoman Wasserman Schultz in considering policy options.

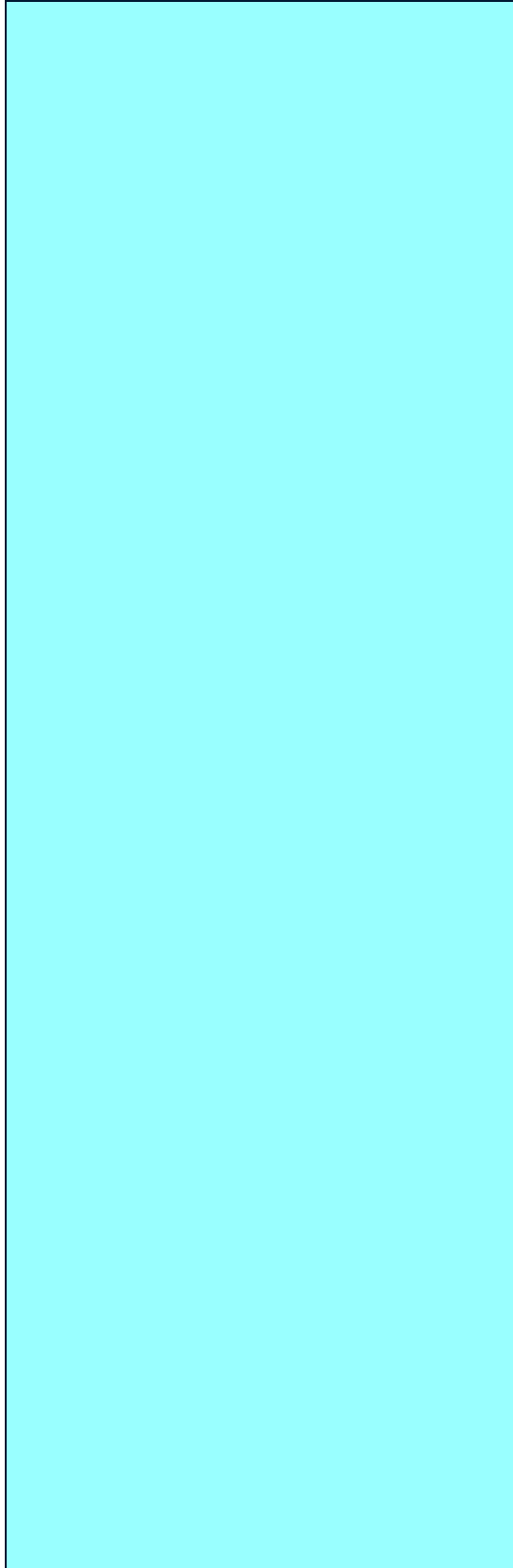
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Spotlight on Resources

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:

[Involuntary Transfer and Discharge Brochure](#) provides information to long-term care consumers and their families about their rights when given a transfer or discharge notice.

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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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