



THE VOICE

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

June 26, 2018

Advocates Meet with Top CMS Official About Nursing Home Rule

On June 25, Consumer Voice staff, Lori Smetanka and Robyn Grant, joined several advocacy organizations in a meeting with CMS Administrator Seema Verma and two members of her team to discuss our recommendations for the nursing home Requirements of Participation (RoPs). CMS is revising the current rules with a goal of reducing provider burden.

When asked for written recommendations prior to the meeting, advocates submitted a [statement](#) calling on CMS to retain the RoPs as issued in October 2016 and indicating our disagreement with the premise that the rules needed to be revised to reduce provider burden.

During the meeting, advocates stressed that the regulations contain important resident protections and discussed why strong regulations are needed now more than ever. They also refuted provider claims that the rules are excessive, unnecessary and/or onerous, by pointing out that the RoPs are already flexible, and that many of the so-called burdens are in fact resident protections.

The Administrator reported that CMS is going through a deliberative process in revising the rules and is reaching out

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to a number of groups to hear their thoughts and proposals. Advocates emphasized the need for agency staff to hear directly from residents and family members about their experiences and suggestions.

In addition to listening and asking questions, Administrator Verma solicited advocate recommendations for strengthening the RoPs. At the top of the list was a minimum staffing standard and a 24-hour RN. Advocates also raised the need for stronger, more effective enforcement.

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Materials Available from Webinar on Improving Nursing Home Quality Standards

Materials are now available from the recent members call - Protecting Seniors Through Improving - Not Eroding - Nursing Home Quality Standards. The webinar provided background on existing law, including the Nursing Home Reform Law (OBRA '87) and Affordable Care Act; Trump Administration actions to eliminate protections, such as the ban on mandatory arbitration agreements, and proposed deregulation of Medicare and Medicaid nursing home requirements; the continuing widespread abuse of antipsychotic and other psychotropic drugs; the links between nurse staffing levels and quality; and nursing home financial structures and the rise of private equity models that divert resources away from providing high quality care. Speakers also provided information on state-specific data and steps we can take to improve quality. Watch the recording [here](#) and download the slides [here](#). Find the handout on how you can help protect nursing home resident protections [here](#).

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Consumer Voice Annual Open House and Jackie

Register Now to Get the Best Rate for the Consumer Voice Conference

The time is now to register for the 42nd Consumer Voice Conference! Hear from policy experts; connect with advocates nationwide; and get equipped with new tools for your work. [Register](#) by July 31st to get up to \$55 off your registration.

Calendar of Events

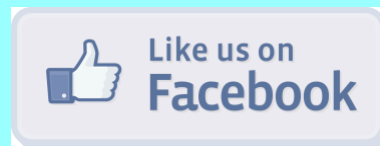
Tuesday, July 10: [Overview of Guardianship and Alternatives to Guardianship](#), 2:00pm ET, Webinar from the National Center on Law & Elder Rights

Thursday, July 12: Annual Open House and Jackie Koenig Memorial Internship Program Fundraiser, 4:00pm-6:00pm, Consumer Voice's Washington, DC office, RSVP to info@theconsumervoice.org

October: Residents' Rights Month, [Speak Up: Know Your Rights and How to Use Them](#)

October 22-24: [Consumer Voice Annual Conference](#), Alexandria, Virginia

Join the conversation and follow us on social media!



Last Week's Most Popular Post:

Koenig Memorial Internship Program Fundraiser

Join the Consumer Voice staff and Board at our Washington, DC office for our Annual Open House and Fundraiser to support the Jackie Koenig Internship Program Thursday, July 12 from 4:00pm-6:00pm. We look forward to seeing old and new friends!

Jackie Koenig was the Consumer Voice's First Communications Director who later became director of the National Long-Term Care Ombudsman Resource Center. As a treasured friend and co-worker, one of Jackie's many passions was mentoring new people in gerontology, a practice she began in the 1980s when she served as a local ombudsman in Ohio and as a member of the Consumer Voice's Board of Directors. She was passionate about her advocacy work and did not hesitate to pass on her enthusiasm to the many interns she had been privileged to tutor. For this reason, family and friends decided to honor Jackie's legacy by establishing a special fund to support the Jackie Koenig Memorial Internship Program.

With regret, Jackie met her untimely death in 1998, but the memories of her unique brand of heartening advocacy live on. Throughout the year, students and recent graduates are selected to serve as interns at the Consumer Voice. Today, the organization hosts 2-4 interns each semester. Staff rely heavily on the support of interns to complete important advocacy and policy work and the students likewise gain valuable, real-world experience in consumer advocacy and public policy. If you plan to attend the Open House and Fundraiser, please RSVP to info@theconsumervoice.org. Unable to attend? Consider a [donation](#) to the Jackie Koenig Memorial Internship Program.

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Are You Prepared for Emergencies?

Summer is here and with it comes an increased risk of disasters. Weather-related disasters, such as drought, brush fires, hurricanes, tornadoes, floods, earthquakes, and tsunamis are all more common in the summer. These

Tuesday, June 19:

[New residents' rights poster series available!](#)



Last Week's Most Popular Tweet:

Friday, June 22:

[Money Follows the Person helps long-term care consumers live happily, healthily and independently.](#)

Long-Term Care Resources & News

- [There Is No Place Like Home, Unless You Feel Homeless There, Being Heard: The Voice of a Revisionary Gerontologist](#), June 18, 2018

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natural disasters can lead to injuries and loss of life for many people, including long-term care consumers. Just last summer, nine Florida nursing home residents tragically died in the wake of Hurricane Irma.

Make sure you are prepared for any disaster that may come your way this summer - both personally and professionally. Consumer Voice has a variety of resources to help you ask the right questions and be prepared. Click on the following links to learn more about emergency preparedness and what you can do to be prepared:

- [Emergency Preparedness Fact Sheet: Questions Consumers Should Ask](#)
- Resident Advocate Newsletter, Vol. 2. Issue 2 - "[Being Prepared for Emergencies](#)"
- [Emergency Planning Checklist](#) for Residents, Family Members, Friends, Caregivers, Guardians, and Ombudsmen
- [CMS Emergency Preparedness Rule & Resources](#)

Find more information on NORC's Emergency Preparedness [issue page](#).

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Guardianship Terminated in Favor of Supported Decision-Making

For the first time, a guardianship of an older adult in the District of Columbia has been ended in favor of Supported Decision-Making. In 2015, Sarah Miller, a DC resident in her 80s, was placed under guardianship for falling behind on rent and facing eviction. In order to keep her home, Ms. Miller consented to a payment plan with her landlord and a court-appointed guardian. DC Quality Trust's Jenny Hatch Justice Project (JHJP) took on Ms. Miller's case and sought to regain her rights to legally make her own decisions. JHJP presented Ms. Miller's history of making decisions and directing her own life with Supported Decision-Making to the Court along with a case reviewer report and capacity assessment that supported terminating the guardianship. The Court agreed to end Ms. Miller's



guardianship and restore her rights. For more information, read the [press release](#) from DC Quality Trust.

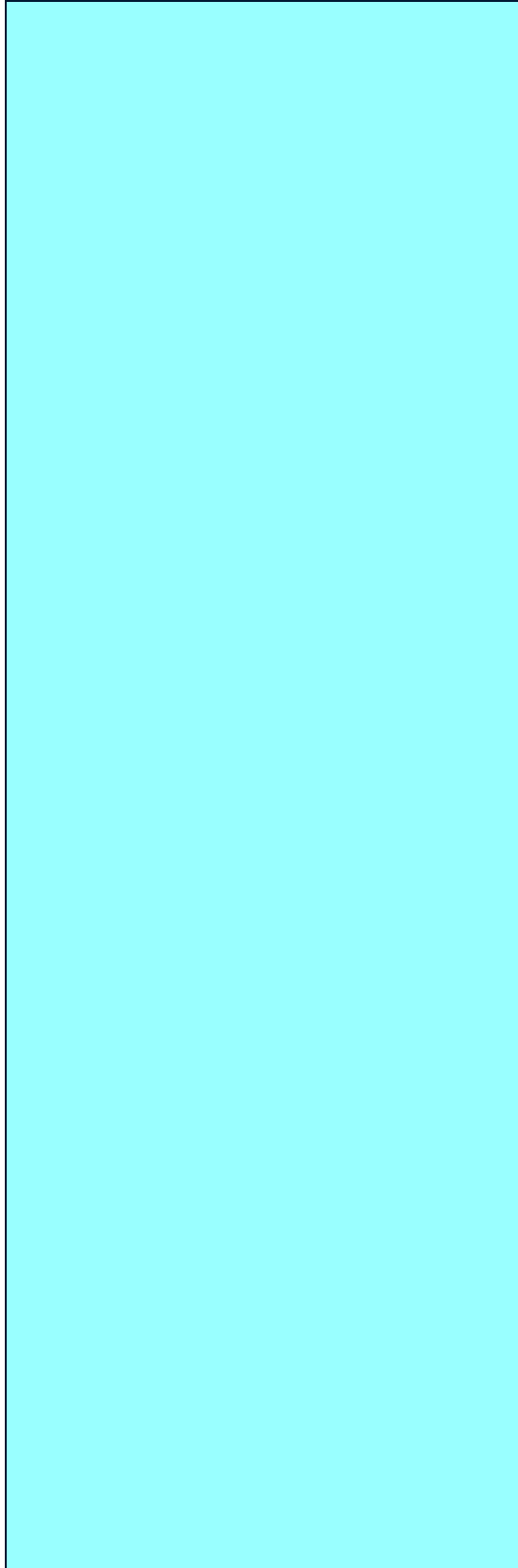
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CMS Updates to Nursing Home Compare

CMS has announced several updates related to Nursing Home Compare and Payroll-Based Journal Data.

- CMS will begin posting rates of hospitalizations of long-stay residents in order to inform stakeholders about the rates of re-hospitalizations for each nursing home, and incentivizing nursing homes to implement interventions to reduce these instances and improve quality. In October 2018, the long-stay hospitalization measure will be posted on the Nursing Home Compare website as a long-stay quality measure. In the spring of 2019, this quality measure will be included in the Five Star Quality Rating System.
- In July 2018, CMS will begin posting the number of hours worked by other staff (i.e. non-nursing) submitted through the Payroll-Based Journal system, in order for stakeholders to learn how different categories of staff can improve quality and outcomes for residents. The information will be posted on data.cms.gov.
- In February 2018, CMS implemented a temporary "freeze" of the health inspection domain of the Nursing Home Five Star Quality Rating System by holding each facility's health inspection rating constant for approximately one year. In October 2019, CMS will resume posting the average number of citations per inspection for each state and nationally. CMS is monitoring outcomes of the new inspection process and plans to resume health inspection rating calculations (i.e., end the freeze) in the spring of 2019.

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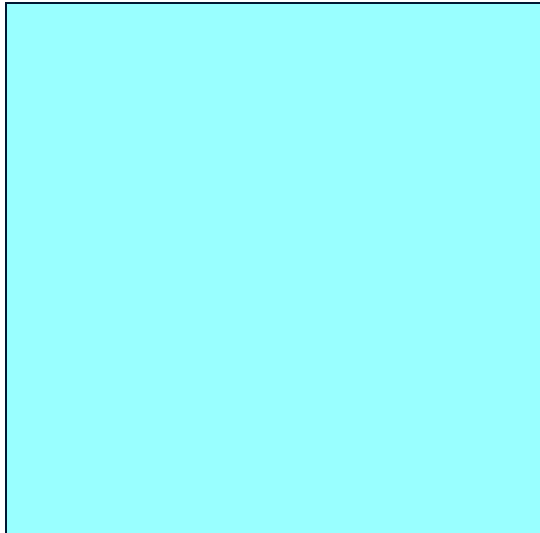


Spotlight on Resources

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:

[Residents' Rights Fact Sheet](#) - Print versions also available in [bulk](#) and as [posters](#)

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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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