

THE VOICE

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

March 12, 2019

The Senate Finance Committee Held a Hearing on Abuse and Neglect

On March 6, 2019, the Senate Finance Committee, chaired by Senator Grassley, held a hearing entitled, "Not Forgotten: Protecting Americans From Abuse and Neglect in Nursing Homes." After opening statements from Chairman Grassley and Ranking Member Senator Ron Wyden, the daughters of two nursing home residents gave heartbreaking and distressing testimony about each of their mother's experiences - one with neglect, the other with abuse. Following their statements, five additional witnesses provided testimony: Dr. David Gifford, American Health Care Association; Dr. David Grabowksi, Harvard Medical School; Dr. Kate Goodrich, Centers for Medicare and Medicaid Services; Antoinette Bacon, Department of Justice; and Keesha Mitchell, Office of the Ohio Attorney General. Numerous issues were raised during the hearing, among them, Nursing Home Compare and the Five-Star Rating System, the closing of rural nursing homes, Medicaid reimbursement rates, regulations and enforcement, and staffing.

Director of Public Policy and Advocacy Robyn Grant attended the hearing. She expressed concern that there was no consumer advocate on the panel who could have testified to the resident experience nationwide and provided

In this Issue

[The Senate Finance Committee Held a Hearing on Abuse and Neglect](#)

[Moratorium on Civil Monetary Penalties in Nursing Homes Will End in May](#)

[Fund Opportunity from ACL for Legal Assistance Enhancements](#)

[March is Developmental Disabilities Awareness Month](#)

[Fiscal Year 2020 Budget Released](#)

[CMS Memos on Improvements to Nursing Home Compare; Immediate Jeopardy Cases; and Infection Prevention Training for Nursing Home Staff](#)

[New Elder Abuse Resource for Law Enforcement](#)

[Session Proposals for the 2019 Consumer Voice Conference Due March 15](#)

the consumer perspective on care, abuse, and neglect. Grant also voiced disappointment that although the title of the hearing indicated the topic would be abuse and neglect, there was not a focused discussion and examination of ways to prevent and end nursing home abuse and neglect.

Both a video recording of the hearing and written testimony from the witnesses are available [here](#). *Note the video begins at 16:28.*

[Back to Top](#)

Moratorium on Civil Monetary Penalties for Nursing Homes Will End in May

Chief Medical Officer of the Centers for Medicare & Medicaid Services Kate Goodrich testified at last Wednesday's Senate Committee on Finance hearing that the 18-month moratorium on monetary fines for nursing homes will end in May. The moratorium of enforcement penalties under Phase 2 of the Final Rules of participation was put in place in late 2017 to give nursing homes more time to comply. Dr. Goodrich expressed that CMS still surveyed for these deficiencies and cited skilled nursing facilities that were not in compliance, but that the enforcement remedies "were more educational in nature." During the hearing last week, Dr. Goodrich assured federal officials that providers will soon begin receiving civil monetary penalties in the eight additional categories soon. For more information, read the [article](#) in McKnight's.

[Back to Top](#)

Fund Opportunity from ACL for Legal Assistance Enhancements

The Administration for Community Living (ACL) has announced a new funding opportunity for legal assistance enhancements. The Legal Assistance Enhancement Program supports outreach efforts for education about legal

[Spotlight on Resources](#)

New Consumer Voice Conference Information

New information is available for the Consumer Voice Conference - November 3-6 in Arlington Virginia. Visit our [website](#) to view a preliminary agenda, information about group discounts on registration, and hotel reservations. Stay tuned for conference registration opening in the Spring!

Remember: Conference session proposals are due this Friday, March 15. More info [here](#).

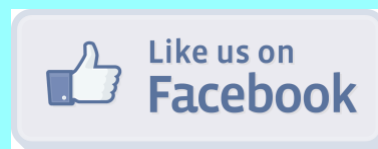
Calendar of Events

March: [Developmental Disabilities Awareness Month](#)

May: [Older Americans Month](#)

November 3-6, 2019: Consumer Voice Annual Conference, Crystal Gateway Marriott, Arlington, Virginia

Join the conversation and follow us on social media!



Last Week's Most Popular Post:

Tuesday March 5:

assistance; intake strategies that are integrated with the broader aging network; partnerships within and outside the aging network that serve communities of older adults; and delivery of full-range legal assistance. ACL will award 8 grantees funding between \$100,000 to \$250,000 per grant year, for up to three years. Applicants can include state and local governments, Indian tribal governments and organizations, faith based-organizations, community-based organizations, hospitals and institutions of higher education. Grant applications are due April 29th. For more information, click [here](#).

[Back to Top](#)

March is Developmental Disabilities Awareness Month

March is Developmental Disabilities Awareness Month. The National Association of Councils on Developmental Disabilities provides many resources on their website for raising awareness during the month. Its campaign is meant to highlight the many ways in which people with and without disabilities come together to form strong, diverse communities. The campaign seeks to raise awareness about the inclusion of people with developmental disabilities in all areas of community life, as well as awareness to the barriers that people with disabilities still sometimes face in connecting to the communities in which they live. DD Awareness Month covers three main areas: education, employment and community living. For more information, click [here](#).

[Back to Top](#)

Fiscal Year 2020 Budget Released

President Trump has released his [Fiscal Year 2020 Budget](#). The Department of Health and Human Services' budget includes priorities such as reforming the individual market for insurance; lowering the cost of prescription drugs; reforming Medicare and Medicaid; combating the opioid crisis; and ending the HIV epidemic. Read the HHS Budget in Brief [here](#). The Department of Labor's budget

On March 6, join with others across the country to [urge Congress to continue funding MFP](#).



Last Week's Most Popular Tweet:

Wednesday, March 6:

[Consumer Voice is attending the Eldercare Workforce Alliance Congressional Briefing this morning about the need for a well-trained workforce to provide quality long-term care.](#)

Long-Term Care Resources & News

- [\\$66 a month for medicine and clothes. Adult care home residents say that's not enough.](#) *The News & Observer*, March 6, 2019

[DONATE NOW](#)

[Read past issues of The Voice here.](#)

focuses on building a skilled and competitive workforce; supporting working families; and protecting workers. Read the DOL's Budget in Brief [here](#).

Consumer Voice has serious concerns about the budget's proposed changes and cuts to the Medicare and Medicaid programs and the resulting impact that will have on individuals needing care and services. See our [webpage](#) on the importance of Medicaid in the long-term care system, and stay tuned for more information about the President's proposals.

[Back to Top](#)

CMS Memos on Improvements to Nursing Home Compare; Immediate Jeopardy Cases; and Infection Prevention Training for Nursing Home Staff

The Centers for Medicare & Medicaid Services has released three memos.

The first [memo](#) provides information on improvements to Nursing Home Compare and the Five Star Rating System effective April 2019. The improvements will include ending the freeze on health inspection star ratings. The traditional method of calculating health inspections scores by using three cycles of inspections will resume. CMS is also making improvements in the Quality Measure domain by introducing separate ratings for short- and long-stay measures; by revising the thresholds for ratings, adding a system for regular updates to thresholds, and weighting individual QMs differently; and adding the long-stay hospitalization measure and a measure for long-stay emergency department transfers. CMS is also making improvements to the staffing domain by adjusting the thresholds for staffing ratings.

CMS also released a [memo](#) regarding immediate jeopardy cases. This new guidance clarifies what information is needed to identify immediate jeopardy cases across all

**Support the Consumer Voice
While You Shop Online**

amazonsmile
You shop. Amazon gives.

healthcare provider types, which CMS believes will result in quickly identifying and ultimately preventing these situations. In addition to the guidance, CMS has also developed an administrative tool that helps inspectors make sure they have the evidence needed to meet criteria for immediate jeopardy. Because these changes affect all Medicare- and Medicaid-certified healthcare providers, suppliers, and laboratories, CMS is providing online training on this new guidance, available to the public [here](#).

Stay tuned for Consumer Voice's review of these memos.

The third [memo](#) from CMS included information on specialized infection prevention and control training for nursing home staff. CMS collaborated with the Centers for Disease Control and Prevention (CDC) to create a free online training course on this issue. The training provides 19 hours of continuing education credits and is located on the CDC's TRAIN website [here](#).

[Back to Top](#)

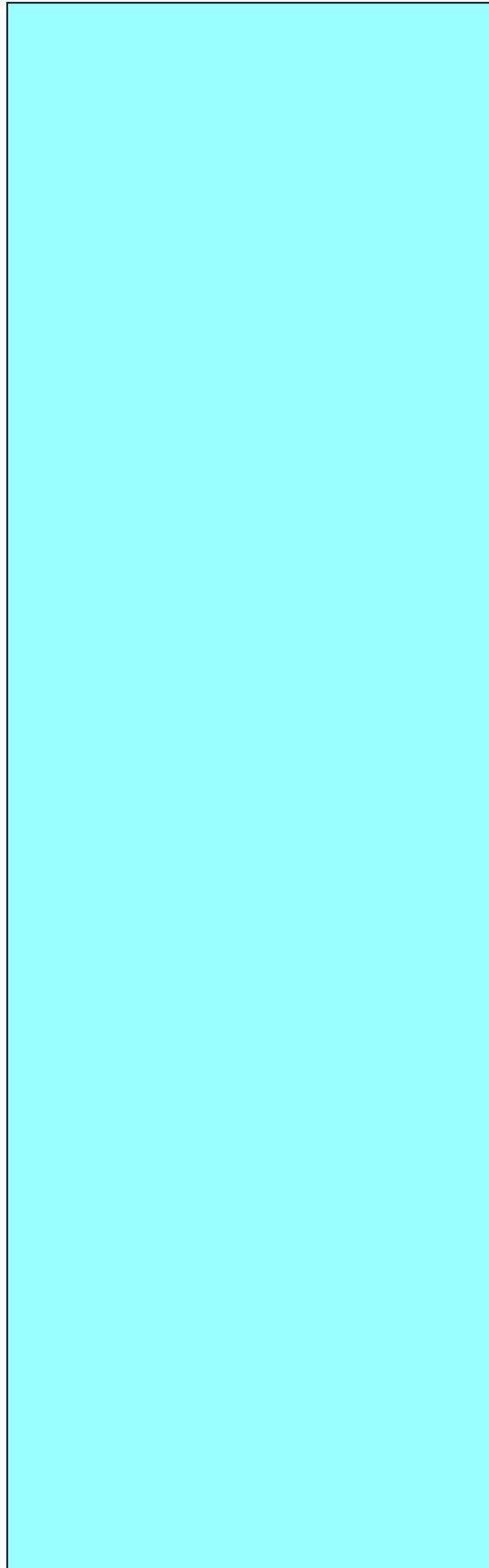
New Elder Abuse Resource for Law Enforcement

A new resource is available for law enforcement and first responders to document elder abuse. The [Elder Abuse Guide for Law Enforcement](#) (EAGLE) includes roll call videos by the International Association of Chiefs of Police (IACP), Department of Justice updates and archived webinars. EAGLE is designed for law enforcement, but could be useful for anyone who would like to learn more about the types of elder abuse and what can be done to build strong community supports for prevention.

[Back to Top](#)

Session Proposals for the 2019 Consumer Voice Conference Due March 15

We are looking for proposals that create an engaging, informative conference agenda that provides resources, tools, opportunities for discussion, and strategies our attendees can incorporate in their life and/or advocacy. All



proposals must be submitted using [SurveyMonkey](#). Proposals are due by **March 15, 2019**. Late or incomplete proposals will not be considered. Additional information can be found on the conference webpage [here](#).

[Back to Top](#)

Spotlight on Resources



The National CONSUMER VOICE for Quality Long-Term Care FACT SHEET

ABUSE, NEGLECT, EXPLOITATION, and MISAPPROPRIATION OF PROPERTY

Federal law gives each nursing home resident the right to quality care and quality of life. This includes freedom from neglect, abuse, exploitation, and misappropriation of property.

WHAT ARE ABUSE, NEGLECT, EXPLOITATION and MISAPPROPRIATION OF PROPERTY?

Abuse is the deliberate infliction of injury, unreasonable confinement, intimidation, or punishment, which results in physical harm, pain, or mental anguish. This includes verbal, sexual, physical, or mental abuse, as well as abuse enabled through the use of technology.

Examples include:

- Hitting, pinching, shoving, force-feeding, scratching, slipping, and spilling;
- Scolding, ignoring, ridiculing, or cursing a resident;
- Threats of punishment or deprivation;
- Non-consensual sexual contact of any type including rape, improper touching or forcing a resident to perform sexual acts;
- Rough handling during caregiving or moving a resident;
- Talking, using, and/or sharing photographs or recordings of residents that would demean or humiliate them;

Neglect is the failure to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish or emotional distress. Neglect may or may not be intentional.

Examples include:

- Incorrect body positioning – leads to limb contractures and skin breakdown;
- Lack of assistance with toileting or changing

of disposable briefs – causes incontinence a resident sitting in urine and feces, increased falls and agitation, indignity and/or skin breakdown;

- Lack of assistance with eating and drinking – leads to malnutrition and dehydration;
- Lack of assistance with walking – leads to lack of mobility;
- Lack of bathing – leads to indignity, and poor hygiene;
- Lack of assistance with participating in activities of interest – leads to withdrawal and isolation;
- Ignoring call bells or cries for help;

Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion.

Misappropriation is the deliberate misplacement, misuse, or exploitation of a resident's belongings or money without the resident's consent.

Examples include:

- Not placing resident funds in separate interest-bearing accounts where required;
- Threatening or coercing a resident to give money in order to receive care or services;
- Stealing or embedding a resident's money or personal property, such as real estate, jewelry or clothing;
- Using a resident's personal property such as a TV, phone, or clothing;

REPORTING ABUSE, NEGLECT, EXPLOITATION, AND MISAPPROPRIATION

If you, or a resident you know, have been the victim of abuse, seek help right away! You are not alone! It is a violation of State and Federal law.

Consumer Voice and the National Ombudsman Resource Center have a multitude of resources available online covering a wide range of long-term care topics. Visit the [Consumer Voice](#) and [NORC](#) websites to explore all the available resources. Check out this week's

highlighted resource:

[Abuse, Neglect, Exploitation and Misappropriation of Property Fact Sheet](#)

[Back to Top](#)

About The Voice

The Voice is a weekly e-newsletter, published by the National Consumer Voice for Quality Long-Term Care. If you do not wish to continue receiving this publication, please unsubscribe below. Your contributions and comments are welcome and should be sent to info@theconsumervoice.org. Copyright © 2019.

If you did not receive The Voice through a subscription, but would like to join our mailing list to receive future issues, click [here](#).

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.

[Click here to unsubscribe](#)