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Consumer Voice Calls on CMS to Enforce Nursing Home Laws, Regulations that Protect Residents and Promote Quality, Humane Care

Washington, DC, September 16, 2014 – The National Consumer Voice for Quality Long-Term Care (Consumer Voice) has called upon the Centers for Medicare and Medicaid Services (CMS) to enforce the nation’s laws and regulations that require nursing homes to ensure the provision of quality and humane care. In a letter sent to CMS Administrator Marilyn Tavenner, Consumer Voice identified key problems with the current enforcement system that negatively impacts the health, safety and well-being of residents.

According to Consumer Voice executive director, Richard Gelula, the failure to enforce existing nursing home laws and regulations results in conditions causing death, excess injury, increased hospitalizations and depression. He said, “Consumer Voice hears regularly from nursing home residents, family members, staff, citizen advocates, and long-term care ombudsmen about significant quality of care and quality of life issues not being adequately addressed through the survey and enforcement process.”

Concerns about ongoing nursing home care issues have been recognized and validated most recently in the DHHS Office of Inspector General (OIG) report *Adverse Events in Skilled Nursing Facilities: National Incidence Among Medicare Beneficiaries*, (02/14 OEI-06-11-00370)ⁱ, a disturbing account of continuing poor care within our nation’s nursing homes that illustrates the critical need for greater enforcement of existing regulations. Despite these ongoing critical care problems in our nation’s nursing homes, enforcement actions are falling, decreasing by 65% in the five-year period between 2007 and 2012.ⁱⁱ Enforcement in cases of nursing home non-compliance with federal regulations, including poor care, resident exploitation, abuse and neglect, continues to be used ineffectively, with remedies imposed not matching the severity of care problems and the full range of remedies available, particularly the remedy to place a facility under temporary management, being significantly underused.

In its letter to CMS, Consumer Voice made four recommendations to improve the nursing home enforcement system. The recommendations include:

- Creating an Office of Enforcement at CMS headed by an “Enforcement Czar” and staffed with enforcement experts.
- Requiring an entity outside of CMS to conduct periodic, independent audits of surveys from across the country.

- Changing State Operations Manual guidance and state standard performance guidance to hold states more accountable for their survey and enforcement duties.
- Significantly increasing transparency and disclosure of enforcement information.

About the Consumer Voice

The National Consumer Voice for Quality Long-Term Care was formed as the National Citizens' Coalition for Nursing Home Reform in 1975 to address public concern about substandard care in nursing homes. Today, the Consumer Voice is the leading national voice representing consumers on issues related to long-term care, helping to ensure that consumers are empowered to advocate for themselves.

ⁱ <http://oig.hhs.gov/oei/reports/oei-06-11-00370.pdf>

ⁱⁱ <http://www.ltccc.org/news/documents/EnforcementTrends--2007-2013-June2013.xls>