



## Not just nursing homes' problem

BY KATIE SMITH SLOAN, OPINION CONTRIBUTOR — 09/12/18 01:30 PM EDT 8 THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

Lawmakers' current focus on and investigation into abuse and neglect in nursing homes, while well-intentioned, threatens to derail ongoing efforts to improve the quality of care for older adults nationwide.

Let me be clear: neither I nor any member of the association I lead, would for a minute argue against nursing home regulation or of righting wrongs in the administration and management of nursing homes. We make no apology or excuses for poor quality of care. Errors should be fixed. Improvements are imperative.

What we urge lawmakers and the public to recognize is that solutions have been put in to place to correct problems now under scrutiny. Whether at hearings, such as last week's Energy & Commerce subcommittee hearing, "Examining Federal Efforts to Ensure Quality of Care and Resident Safety in Nursing Homes," or through investigations, such as the OIG's probe into CMS' oversight of nursing home staffing standards, a consistent emphasis on failures of operation, without consideration of the context in which providers operate could very well result in poor policy decisions.

To be sure, the deaths of residents at the Hollywood Hills nursing home in Florida last year, a much-discussed topic at the Sept. 6 House committee hearing, never should have happened. It was a preventable tragedy. Shortly afterward, CMS finalized a requirement that all nursing homes have disaster preparedness plans in place. The regulations are very detailed, and state surveyors -- the employees charged with ensuring that nursing homes follow CMS dictates -- will penalize providers that do not comply with requirements.

Let's move forward. When considering how to right wrongs, in the case of natural disasters, policymakers would be wise to explore the interplay of municipalities and public leaders with nursing homes. Some of our members, nonprofit skilled nursing facilities, report that as they've implemented their plans, they've encountered difficulty in getting cooperation from the state and local agencies that are crucial partners in order to protect or transport seniors in the event of a disaster. How might elected officials encourage collaboration to help us all achieve a desired goal -- the safety of our older adults? Consider that, nearly one year after Hurricane Irma wreaked havoc in Florida, none of the more than 1,000 nursing homes and assisted living facilities in South Florida are on Florida Power & Light's highest priority list for power restoration. Nursing homes must be given the same priority in restoration of utility and other services that is given to hospitals in order to ensure residents' safety and security. Older adults deserve no less.

On nursing home staffing, a second topic of lawmaker and media interest, understaffing and inaccurate reporting are issues that must be addressed. Our members advocated for improvements to the old approach of self-reporting staffing data. We worked side by side with CMS and other stakeholders to create a better approach. With the rollout of self-reporting's replacement, PBJ, glitches and errors have occurred. We expect these issues will be resolved, and in a relatively short time, the reporting process and data output will be better than it was before. That's good news.

Finally, lawmakers investigating CMS' efficacy in nursing home oversight would be well-served to look not just at whether regulations, such as RoPs, are being imposed, but whether the state agencies charged with overseeing enforcement of CMS rules have the resources required to do their jobs. Look hard. The unevenness of surveyors findings and enforcement actions taken by state surveyors is well documented. State survey agencies are frequently short staffed, and turnover at these agencies is often rampant, which means that those responsible for surveying nursing homes may have neither the training nor the experience to know what they are seeing and whether conditions comply with federal standards and requirements. To those lawmakers interested in improving CMS' output, we urge ensuring that a state's nursing home Medicaid reimbursement levels and the funding of its survey agency is part of the annual CMS approval process for state Medicaid plans. CMS should ensure that reimbursement rates are sufficient to cover staffing and other essential costs of complying with federal quality standards and whether the state is investing sufficient resources in its survey agency. Approval of a state's Medicaid plan should be contingent on these factors.

No question: nursing home operation is complicated. It is important to recognize that nursing homes generally -- not only LeadingAge's members -- work hard to provide the highest quality of care and services to their residents. We all must recognize that achieving high quality requires a commitment of federal and state resources into the provision of care and the agencies called upon to enforce standards. Recognize that substantial progress has been achieved in the decades since the Nursing Home Reform Act was enacted. Recognize that a continual drumbeat of negativity about nursing homes and the people who work in them makes it ever harder for nursing homes to attract and retain capable and talented people. Each of us is aging. This is not someone else's problem. It is every one of ours.

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