Using Data to Strengthen Your Nursing Home Advocacy

Long Term Care Community Coalition

www.nursinghome411.org
About the Long Term Care Community Coalition?

- **LTCCC**: Nonprofit, nonpartisan organization dedicated to improving care & quality of life for the elderly & adult disabled in long-term care (LTC). Home to two local LTC Ombudsman Programs in NY.

- **Our focus**: People who live in nursing homes & assisted living.

- **What we do**:  
  - State and national policy analysis and systems advocacy;  
  - Education of consumers and families, LTC Ombudsmen, and other stakeholders.

- **Resources**:  
  - [www.nursinghome411.org](http://www.nursinghome411.org): News, resources, data... all free to use and share;  
  - [nursinghome411.org/join/](http://nursinghome411.org/join/): Sign-up for news and alerts;  
  - Monthly webinars that you can use to offer one-hour LTCO trainings. Email [sara@ltccc.org](mailto:sara@ltccc.org) to sign-up your Program.
Why are nursing home data useful?

- **To Support Advocacy in a Nursing Home**
  - Data can support advocacy about concerns such as antipsychotic drugging, pressure ulcers, falls, etc...
  - Data enable comparisons between a facility and others in the community or state or nation.
  - Data can indicate low staffing and support advocacy for improvement.

- **To Support Broader and Systemic Advocacy**
  - Highlight and substantiate concerns, such as low staffing or high drugging or pressure ulcer rates, with state and federal politicians, news reporters, etc...
  - Demonstrate and substantiate concerns for state enforcement agencies, Medicaid Fraud Control Units, state auditors, and the public.
  - Support requests for funding by showing the need of the work you do.
Webinar Agenda

- **Care Compare**: The NEW federal website for nursing home information

- Digging Deeper on...
  - ProPublica’s [Nursing Home Inspect](#)
  - LTCCC’s website, [nursinghome411.org](#)
  - Federal databases: [data.medicare.gov](#) & [data.cms.gov](#)
Intro to Care Compare
Care Compare & the Five-Star Rating System: www.medicare.gov/care-compare/

Background

- Care Compare provides information on every licensed nursing home in the U.S.
- While it is not perfect, we consider it to be the most reliable and useful resource for information on a nursing home’s quality.
Important to Keep in Mind...

Where Should Momma Go?

Study found that rating systems “are better at identifying problem facilities than potentially good homes.”

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1920506/
Search by ...
- Nearest town/city
- Zip code

Care Compare: www.medicare.gov/care-compare/
Majestic Care of Columbus LLC

Overall rating:

🌟🌟🌟🌟

Much below average

Location:
44 S Souder Ave
Columbus, OH 43222

Phone number:
(614) 228-5900

Ratings
Quality
Details
Location

Ratings

Overall rating

The overall rating is based on a nursing home's performance on 3 sources: health inspections, staffing, and quality of resident care measures.

Learn how Medicare calculates this rating

Health inspections

🌟🌟🌟🌟

Much below average

Staffing

🌟🌟🌟

Below average

Quality of resident care

🌟🌟🌟🌟

Above average
Majestic Care of Columbus LLC

Health inspections

State inspectors conduct yearly health and safety inspections of nursing homes for compliance with Medicare and Medicaid regulations. A nursing home may also be inspected based on a complaint submitted by a resident (or other individual), or based on a facility’s self-reported incident.

Learn more about health inspections

Health inspections rating

⭐⭐⭐⭐⭐

Much below average

The health inspection star rating is based on each nursing home’s current health inspection survey and the 2 prior surveys, as well as findings from the most recent 3 years of complaints information and inspection revisits.

Most recent health inspection

<table>
<thead>
<tr>
<th>Date of most recent inspection</th>
<th>01/16/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of health citations</td>
<td>25</td>
</tr>
</tbody>
</table>

Average number of health citations in the U.S.: 8.3
Average number of health citations in Ohio: 9
Staffing

Higher staffing levels in a nursing home may mean higher quality of care for residents. Staffing hours of different types of staff are reported by nursing homes, and are used to calculate a ratio of staffing hours per resident per day.

Learn more about staffing

Staffing rating

The staffing rating is based on these measures: 1) Registered Nurse (RN) hours per resident per day; and 2) total nurse staffing (including RN, licensed practical nurse (LPN), and nurse aide) hours per resident per day.

Average number of residents per day

104.3
National average: 77.5
Ohio average: 69.4

Total number of licensed nurse staff hours per resident per day

1 hour and 15 minutes
National average: 1 hour and 40 minutes
Ohio average: 1 hour and 40 minutes

Registered Nurse hours per resident per day

26 minutes
Care Compare Profile

Majestic Care of Columbus LLC

Quality of resident care

Learn more about quality of resident care
Find out why these short-stay measures are important
Find out why these long-stay measures are important
Get current data collection period

Quality of resident care rating

🌟🌟🌟🌟🌟 Above average

Medicare assigns the star rating based on data from a select set of clinical data measures. More stars means better quality of care.

Short-stay quality of resident care

🌟🌟🌟🌟 Average

The short-stay quality of care rating reflects the quality of care delivered to temporary residents, and whose typical goal is to improve their health status so they can return to their previous setting, like their home.

Percentage of short-stay residents who were re-hospitalized after a nursing home admission

22.4%
National average: 20.8%
Ohio average: 21%

Lower percentages are better
Care Compare Profile

Long-stay quality of resident care

The long-stay quality of care rating reflects the quality of care delivered to long-term residents, and whose typical goal is to maintain or attain their highest possible well-being while residing in the facility.

<table>
<thead>
<tr>
<th>Category</th>
<th>Value</th>
<th>National Average</th>
<th>Ohio Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of hospitalizations per 1,000 long-stay resident days</td>
<td>1.49</td>
<td>1.70</td>
<td>1.60</td>
</tr>
<tr>
<td>Number of outpatient emergency department visits per 1,000 long-stay resident days</td>
<td>0.24</td>
<td>0.96</td>
<td>0.93</td>
</tr>
<tr>
<td>Percentage of long-stay residents who got an antipsychotic medication</td>
<td>13.4%</td>
<td>14.2%</td>
<td>13.9%</td>
</tr>
<tr>
<td>Percentage of long-stay residents experiencing one or more falls with major injury</td>
<td>1.7%</td>
<td>3.4%</td>
<td>3.5%</td>
</tr>
<tr>
<td>Percentage of long-stay high-risk residents with pressure ulcers</td>
<td>8.1%</td>
<td>7.3%</td>
<td>6.8%</td>
</tr>
<tr>
<td>Percentage of long-stay residents with a urinary tract infection</td>
<td>0.9%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Statements of Deficiencies.

Important Note: Both state nursing home websites and the federal Care Compare website post Statements of Deficiencies. However, Only the state websites are required to post plans of correction.
Digging Deeper

Accessing Data on ProPublica’s Nursing Home Inspect
Nursing Home Inspect


Use this database to compare nursing homes based on the deficiencies cited by regulators and the penalties imposed in the past three years. This database will allow you to: search nearly 80,000 nursing home inspection reports to look for trends or patterns; evaluate nursing homes near me; and find nursing homes that have been cited for deficiencies in infection control. Here's our guide to making the most of this database.

See our newly added coronavirus data →

Inconsistent Deficiencies Across the Country
Click on a state to see all homes in that state

Search for Terms Inside Nursing Home Deficiency Reports
A keyword, city, or nursing home name

Search

Get Updates
Sign up to be notified when Nursing Home Inspect is updated, and get more of ProPublica's stories in your inbox.
Visit

https://projects.propublica.org/nursing-homes/
Digging Deeper
Accessing Federal Nursing Home Data
What are the PBJ data and why are they so important?

- Historically, nursing homes only reported their staffing levels once a year, for the two weeks prior to their annual survey. These data were not audited by either the states or federal government.

- Due to concerns that many nursing homes were inflating their staffing numbers (surprise!), the 2010 Affordable Care Act required that nursing homes report their staffing numbers every day of the year, based on their auditable payroll records.

- This requirement was implemented in 2016. Public reporting began in 2017.

- Data are provided for every facility for every day, in quarterly (3 month) files.

- They include daily hours for: RN, LPN, CNA, nursing staff assigned to provide care or administrative work, nursing staff who are permanent or contract, plus medical directors, pharmacist, activities, and therapy staff.
COVID-19 Nursing Home Data

The Nursing Home COVID-19 Public File includes data reported by nursing homes to the CDC’s National Health Safety Network (NHSN) system. The data includes information on COVID-19 Long Term Care Facility Modules, including Resident Impact, Facility Capacity, Staff & Personnel, and Supplies & Personal Protective Equipment, and Ventilator Capacity and Supplies Data Elements.

SEARCH DATASETS

Enter search term

COVID-19 Nursing Home Data

The Nursing Home COVID-19 Public File includes data reported by nursing homes to the CDC’s National Health Safety Network (NHSN) system. The data includes information on COVID-19 Long Term Care Facility Modules.

Medicare

Medicare Data that relates to traditional Medicare Fee-For-Service.

SPECIAL PROGRAMS/INITIATIVES

Data that relates to special programs under Medicare such as the Shared Savings Program.

MARKETPLACE

Data that relates to the Health Insurance Marketplace under the Affordable Care Act.
Visit

Data.cms.gov
Other Nursing Home Info: data.medicare.gov

- **Datasets include information for every nursing home. Topics include:**
  - Health deficiencies
  - MDS Quality Measures (like antipsychotic drugging rates, pressure ulcers, falls, etc...)
  - Ownership
  - Penalty counts
  - Staffing (risk-adjusted)
  - Star ratings

- **Each dataset includes searchable identifying information, such as:**
  - Nursing home name
  - State
  - City
  - County
  - Address
Visit

www.data.medicare.gov
Digging Deeper

Accessing Data on www.nursinghome411.org
Accessing data on www.nursinghome411.org

NursingHome411.org provides data on:
- Staffing
- Enforcement
- Dementia Care
- Antipsychotic Drugging
Citation data on www.nursinghome411.org
Citation data on [www.nursinghome411.org](http://www.nursinghome411.org)

Note: Separate tabs for all citations and citations at harm or immediate jeopardy.

Every file has a Notes tab with information on what data are provided and their original source.
State and national staffing (Total and RN) averages for Q2 2020 were determined by dividing a given sample's aggregate of facility staffing by its aggregate of facility MDS census, thus accounting for variations in facility size. LTCC staff reports prior to Q3 2019 used different methodology by averaging all facility HPRDs in a sample (without adjusting for facility size) to determine state and national staffing averages.
Sortable facility-level data on staffing based on auditable PBJ data. NH411 posts new data every quarter, when they are released by CMS, and maintains the historical data files (since 2017) for your reference.

View Excel file examples of State Staffing Data.
Additional Resources

Fact sheets, reports, podcasts, etc... to support your advocacy
Learning Center

Welcome to LTCCC’s Learning Center. Below are our latest updates and materials. Click on the purple buttons to find fact sheets, webinars and other resources to support good care and resident-centered advocacy.

Webinar: Residents’ Rights to Voting, Self-Determination, & Quality Care

LTCCC Webinar: Nursing Home 411 Tech Support

www.nursinghome411.org/learning-center/
LONG TERM CARE
COMMUNITY COALITION
Advancing Quality, Dignity & Justice

CONSUMER FACTSHEET: INFORMED CONSENT

The right to informed consent is an important one for residents and families to know about (it is hard to exercise informed consent if you don’t know you have a right to it!). It is also one of the most important standards related to dementia care and the widespread problem of inappropriate antipsychotic drugging.

Please note: (1) Text in italics is directly from the federal regulations. (2) Numbers in brackets refer to the federal regulations (42 CFR 483.xx) and F-tag (designation used by surveyors when a facility is cited). (3) These standards are applicable to all residents in licensed nursing homes in the United States, whether they are short-term or long-term, private pay, Medicaid, Medicare or have another type of insurance. (4) Where the resident lacks capacity to make decisions and/or has assigned decision-making to someone else, that person takes the place of the resident in exercising these rights.

WHAT IS INFORMED CONSENT?

“informed consent is an ethical concept—that all patients should understand and agree to the potential consequences of their care—that has become codified in the law and in daily practice at every medical institution.” [From A Practical Guide to Informed Consent.]

THE LAW

I. Right to be Informed of & Participate in Treatment Plan [42 CFR 483.10(c) F-552]

The resident has the right to be informed of, and participate in, his or her treatment, including:

- The right to be fully informed in language that he or she can understand of his or her total health status, including but not limited to, his or her medical condition.
- The right to be informed, in advance, of the care to be furnished and the type of care giver or professional that will furnish care.
- The right to be informed in advance, by the physician or other practitioner or professional, of the risks and benefits of proposed care, of treatment and treatment alternatives or treatment options and to choose the alternative or option he or she prefers.

II. Right to Participate in Development & Implementation of Care Plan [42 CFR 483.10(c) F-553]

- The right to participate in the planning process, including the right to identify individuals or roles to be included in the planning process, the right to request meetings and the right to request revisions to the person-centered plan of care.

- The right to participate in establishing the expected goals and outcomes of care, the type, amount, frequency, and duration of care, and any other factors related to the effectiveness of the plan of care.
- The right to be informed, in advance, of changes to the plan of care.
- The right to receive the services and/or items included in the plan of care.
- The right to see the care plan, including the right to sign after significant changes to the plan of care.

III. Facility Must Inform Resident of the Right to Participate & Support the Resident in This Right [42 CFR 483.10(c)]

The planning process must—

- Facilitate the inclusion of the resident and/or resident representative.
- Include an assessment of the resident’s strengths and needs.
- Incorporate the resident’s personal and cultural preferences in developing goals of care.

CHECKLIST FOR RESIDENTS, FAMILIES & OMBUDSMEN

The physician (not a delegated representative) should disclose and discuss:

- The diagnosis, if known
- The nature and purpose of a proposed treatment or procedure
- The risks and benefits of proposed treatment or procedures
- Alternatives (regardless of costs or extent covered by insurance)
- The risks and benefits of alternatives
- The risks and benefits of not receiving treatments or undergoing procedures

RESOURCES

- WWW.NURSINGHOME411.ORG, LTCCC’s website includes materials on the relevant standards for nursing home care, a listing of antipsychotic drug names and other resources.
- WWW.THECONSUMERVOICE.ORG, The Consumer Voice has numerous materials and resources for residents, family members and LTC Ombudsmen.
- A PRACTICAL GUIDE TO INFORMED CONSENT, Temple Health has a very useful resource from which the above checklist and definition of informed consent are taken. It is available at http://www.templehealth.org/ktcookit/html/ktcookitpage1.html.

nursinghome411.org/learning-center/fact-sheets/
Sign-up for LTCCC’s Family Council Zoom Meeting Room!

www.nursinghome411.org/families-ombudsmen/
Forms & Tools for Resident-Centered Advocacy

https://nursinghome411.org/forms-tools-resident-centered-advocacy/
Podcasts
Available on Spotify, Apple Podcasts, and nursinghome411.org/podcast/.

- How Ombudsmen Are a Conduit for Nursing Home Residents
- ‘It takes a team. A family’: How a Baltimore nursing home has kept out the coronavirus
- ‘The Eyes, Ears, and Voice’: Why Nursing Home Visitation Saves Lives
- Mice, Mold, and Mystery Debris: Journalist Marjie Lundstrom on the Rampant Food Safety Violations in Nursing Homes

Webinars
LTCCC holds monthly webinars on the 3rd Tuesday of the month @1pm Eastern. All programs are free and we welcome LTCOPs to use these programs for trainings. Email sara@ltccc.org for more info.

To register for a webinar, visit nursinghome411.org/learning-center/webinars-events/.

Coming up on 2/16/21: The Inappropriate Institutionalization of People with Mental Illness
Thank You!

Visit https://nursinghome411.org/join/ or call 212-385-0355 if you would like to...

- Receive alerts for future programs or
- Sign up for our newsletter and alerts.

You can also...

- Join us on Facebook at www.facebook.com/Ltccc
- Follow us on Twitter at www.twitter.com/LTCconsumer