



## ***Nursing Home Penalties Drop 33% in 2013 as New Federal Study Finds One in Three Harmed in Nursing Home Rehab – Majority Preventable***

***OIG report cites “substandard treatment, inadequate resident monitoring, and failure or delay of necessary care.”***

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**NEW YORK, March 6, 2014:** The federal Office of Inspector General (OIG) released a report this week on a study which evaluated the “national incidence rate, preventability and cost” of harm to individuals who go to skilled nursing facilities (SNFs) for Medicare rehab services. Findings indicate that one-third of these individuals are harmed in the nursing home and that 59% of the time harm is “clearly or likely preventable.” According to the summary of the report on the OIG’s website,

Physician reviewers... attributed much of the preventable harm to substandard treatment, inadequate resident monitoring, and failure or delay of necessary care. Over half of the residents who experienced harm returned to a hospital for treatment, with an estimated cost to Medicare of \$208 million in August 2011. This equates to \$2.8 billion spent on hospital treatment for harm caused in SNFs in FY 2011.

All of the harm described in the report is “attributable to the care provided in the SNF.” The study found that two-thirds of these harm incidents were serious and one-third were temporary. Serious harm was identified as incidents which (1) required a prolonged SNF stay or transfer to a hospital for treatment, (2) caused permanent harm, (3) necessitated life sustaining intervention, or (4) resulted in death. Six percent (6%) of the incidents resulted in the individual’s death.

“Temporary” incidents were those that did not result in any of the above four actions. Some of them resulted in minor harm while others resulted in significant harm that was treated in the facility. Incidents characterized as temporary included pressure ulcers, “fall or trauma with injury” and medication-induced delirium. In addition, “[a]n estimated 4 percent of Medicare SNF residents experienced at least one “cascade” adverse event, wherein multiple, related events occurred in succession.”

“These findings clearly show that lax enforcement of the minimum safety standards is taking a toll on our most vulnerable citizens, with tragic results,” said Richard Mollot, LTCCC’s executive director. “This report should serve as a wake-up call to state legislators and Congress: something has gone terribly wrong with our oversight system when nursing home citations are dropping across the U.S. while horrible problems continue on such a significant and widespread scale. What is the purpose of having standards if they are not enforced?”

LTCCC's review of nursing home enforcement actions nationwide found that they have been dropping significantly in recent years. From 2012 to 2013, penalties for failing to meet minimum standards went down over 33%, from 3,094 to only 1,909 nationwide. "It is difficult to understand why, in the face of persistent nursing home abuse and neglect, our survey system increasingly shuns enforcement in favor of collaboration with this industry," Mollot said. "The American public is essentially being blackmailed, with the safety of our frail elderly at stake."

The fact that many states are moving to mandatory managed care for their Medicaid and Medicare beneficiaries makes this an issue of particular concern to seniors and other consumers and their families. As LTCCC's recent report, Mandatory Managed Care in NY State Nursing Homes, found, managed care plans are contracting with nursing homes with little or no discrimination as to whether a facility is providing good care or even meeting basic safety standards. Richard Mollot (who authored the study) noted that "residents in states that adopt mandatory managed care will find that they are being sent to the nursing home that works best for the managed care plan, not necessarily the one that provides good or appropriate care."

**Click here** for LTCCC's report on nursing homes in managed care in New York [<http://www.nursinghome411.org/?articleid=10076>].

**Click here** for the federal dataset on nursing home penalties [[data.medicare.gov/d/2shu-hjj2](http://data.medicare.gov/d/2shu-hjj2)].

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*LTCCC is a non-profit organization dedicated to protecting the rights and welfare of long term care consumers in all settings, including nursing homes, assisted living facilities and the community, through policy research, systemic advocacy and public education. For more information on this and other long term care issues, visit our website: [www.ltccc.org](http://www.ltccc.org).*