



LONG TERM CARE COMMUNITY COALITION
242 WEST 30TH STREET, SUITE 306, NEW YORK, NY 10001



Working to improve long term care through research, education & advocacy

LONG TERM CARE (LTC) E- NEWSLETTER – September 2010: Volume 8, Number 7

Welcome to the [LTC E-NEWSLETTER](#), a monthly electronic newsletter of the [Long Term Care Community Coalition](#). Note to Readers: To go directly to an article, click on its page number in the Table of Contents. Once you are at the article, click on any underlined text for a link to more information or to send a message in “Spotlight on Advocacy.”

[Please support LTCCC’s work to protect the frail elderly and disabled who rely on long term care. Click here to donate \\$5 \(or whatever you care to give\).](#)

Follow us on Twitter at <http://twitter.com/rjmollot>.

Table of Contents

LARGE NURSING HOME CHAIN ORDERED TO PAY \$677 MILLION FOR FAILING TO HAVE ADEQUATE CARE STAFF..... 1

NEW STUDY FINDS THAT MEDICARE DOESN’T WORK AS WELL FOR YOUNGER, DISABLED BENEFICIARIES AS IT DOES FOR OLDER ENROLLEES 2

NATIONAL CONSUMER COALITION SPEAKS OUT FOR STRONG NURSING HOME OVERSIGHT 3

WE’RE ON THE WEB!..... 3

LTCCC LINKS OF INTEREST 3

- ATTEND LTCCC’S 2ND ANNUAL EVENT..... 3
- VIEW THE LATEST ENFORCEMENT ACTIONS AGAINST NURSING HOMES IN NEW YORK STATE. 4
- READ THE LATEST EDITION OF LTCCC’S QUARTERLY NEWSLETTER, *THE MONITOR*. 4
- LONG TERM CARE INFORMATION BOOKLET IN CHINESE AND ENGLISH FOR CHINESE CONSUMERS: *WHAT YOU NEED TO KNOW ABOUT LONG TERM CARE*. 4
- LTCCC STUDY: *GOVERNMENT MONITORING & OVERSIGHT OF NURSING HOME CARE IN WORD 2007 OR PDF*. .. 4

[Large Nursing Home Chain Ordered to Pay \\$677 Million For Failing to Have Adequate Care Staff](#)

One of the largest nursing home chains in the country, the Skilled Healthcare Group, has been ordered to pay \$677 million by a California jury for failing to keep its California nursing homes staffed adequately. According to several reports in the Eureka, CA *Times-Standard*,

The issue that spurred the lawsuit, which spans the years from 2003 to 2009, is whether or not Skilled Healthcare facilities provided adequate staffing levels for patients. California statute mandates that nursing homes maintain 3.2 nursing hours per patient, per day (ppd), a law passed in 2000 that originally was going to be 3.4 ppd.

Bob Hart, the jury foreman responsible for facilitating dialogue during deliberations, said... "They kept treating 3.2 ppd as a goal -- not a minimum.... We wanted to send the strongest message possible to these facilities to follow the law that would reverberate throughout the country, and we think we did that."

According to one of the articles on the case, an attorney for the plaintiffs noted that "in almost 30 years of experience, he has never seen the kind of resistance in court that defense attorneys have displayed in numerous failed attempts to have the trial halted before it reached a jury verdict. 'They obviously haven't gotten the message.'"

According to the *Times-Standard's* August 10 article, attorneys for both sides are currently in settlement talks. That article states that

[t]he consensus in the investment world -- which has been keeping close tabs on the case -- is that the nursing home company would need to reach a settlement in order to avoid filing for bankruptcy, something that most feel would be the result if the court upheld the initial jury verdict of \$677 million.

- - -

Jeffries & Co. [a securities and investment banking company] released a statement to investors... urging stockholders to buy up the company's stock in light of the juror misconduct allegations, upgrading SKH shares from "hold" to "buy." The stock market responded almost immediately, with shares jumping as high as \$3.63 on Monday, up from just \$2.49 the day before.

[For up to date coverage go to www.times-standard.com and search for "Skilled Healthcare Group." The case is *Lavender v. Skilled Healthcare Group*, DR060264, Superior Court, Humboldt County, California (Eureka).]

DID YOU KNOW?

Pressure ulcers, a leading indicator of poor nursing home care (and, especially, insufficient staffing) are the most frequent type of expensive, avoidable medical error.

[New Study Finds That Medicare Doesn't Work As Well For Younger, Disabled Beneficiaries As It Does For Older Enrollees](#)

According to a study reported on in the journal *Health Affairs*, the results of a 2008 survey indicate that, among Medicare program beneficiaries, the younger disabled (under 65) encounter greater problems with both cost and access to care than do seniors. According to

the report's abstract, "Even with the Medicare Part D prescription drug program, the nonelderly disabled reported greater difficulty in affording medications, and more adverse health consequences as a result. One potential remedy is the Patient Protection and Affordable Care Act. The law includes reforms that could improve access to care and limit out-of-pocket expenses for the nonelderly disabled in Medicare—as well as those who are waiting to become eligible for the program."

[<http://content.healthaffairs.org/cgi/content/full/hlthaff.2009.0962v1>]

National Consumer Coalition Speaks Out For Strong Nursing Home Oversight

The [Coalition for Quality Care](#), a national organization of long term care consumer groups, has issued a public letter condemning [H.R.6074 -- Enhancing Quality through Survey System Improvements Act of 2010](#). This bill, introduced by Rep. Stupak of Michigan in July 2010, contains several provisions that would, in effect, relax standards, oversight and accountability for the nursing home industry. Provisions include a radical reduction in the frequency of nursing home inspections for some nursing homes, a change in the use of Civil Money Penalties (now required to be used to protect and benefit residents) and a requirement that inspection reports - which studies have shown often fail to adequately capture the extent of resident abuse and neglect - " must include all the positive aspects of care and facility life as well as the aspects of care that may need improvement." [<http://nursinghome411.org/nursinghomenational.php>]

We're on the Web!

www.ltccc.org: Our main website, with access to all of our issues, policy briefs and research.

www.assisted-living411.org: For information on assisted living, including consumer issues and policies.

www.nursinghome411.org: For information on developments in nursing home care, regulation and policy issues.

LTCCC Links of Interest

- [Attend LTCCC's 2nd Annual Event!](#) On October 6, 2010, LTCCC will be honoring two NY State leaders who have been dedicated to empowering consumers: NYS Assembly Health Committee Chair, Honorable Richard Gottfried and NYS Office for the Aging Director, Michael Burgess. The event, which will include a cocktail reception and educational presentation and discussion, will be held at Federal Hall in NYC. To

purchase tickets or for sponsorship information please call Sara Rosenberg at 212-385-0355 or email at: sara@ltccc.org. All tickets must be purchased in advance. Federal rules do not permit the selling of tickets on site.

- View the latest enforcement actions against nursing homes in New York State.
- Read the latest edition of LTCCC's quarterly newsletter, *The Monitor*.
- Long term care information booklet in [Chinese](#) and [English](#) for Chinese consumers: *What You Need to Know about Long Term Care*.
- LTCCC study: *Government Monitoring & Oversight of Nursing Home Care* in [Word 2007](#) or [PDF](#).
- LTCCC Policy Brief: [*Vulnerable and Unprotected: The Status of Elderly & Disabled Assisted Living Residents in New York State*](#)

If you are able to, PLEASE Support our work to protect ! [Click Here To Make A Tax-Deductible Donation On-Line](#) or send a check to LTCCC, 242 West 30TH Street, Suite 306, NY, NY 10001.

[SIGN-UP FOR THE LTC E-NEWSLETTER \(OR UNSUBSCRIBE\)](#)!