

# LTCCC

LONG TERM CARE COMMUNITY COALITION  
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Working to improve long term care through research, education & advocacy

## LONG TERM CARE (LTC) E- NEWSLETTER – March 2011: Volume 9, Number 2

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 \(or whatever you care to give\).](#)

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## [U.S. Senate Aging Committee Holds Hearing on Elder Abuse](#)

The [U.S. Senate Special Committee on Aging](#) held a hearing on March 2, 2011 entitled [Justice for All: Ending Elder Abuse, Neglect and Financial Exploitation](#). The hearing focused on elder abuse, neglect and financial exploitation. Testifying witnesses included Mickey Rooney, the

famous actor who has been a victim of elder abuse and Kay Brown, Director, Education, Workforce and Income Security, Government Accountability Office (GAO). Ms. Brown discussed the findings of the new GAO report, [Elder Justice: Stronger Federal Leadership Could Enhance National Response to Elder Abuse](#). Ms. Brown's testimony highlighted the challenges to Adult Protective Services programs across the country and the limited federal actions to date to address this issue. She encouraged HHS to establish a national data system whereby APS programs could share information and data that would improve performance across the country.

[Link to The Consumer Voice Hearing Summary: <http://j.mp/fbKzww>]

## **FLORIDA STATE LONG TERM CARE OMBUDSMAN FIRED BY GOVERNOR**

Florida's Long Term Care Ombudsman, Brian Lee, was forced to resign by Governor Rick Scott, following a campaign by the industry according to *The Miami Herald*. Prior to his recent election to the governorship, Scott was a major player in the healthcare provider industry in Florida.

According to the February 25 *Miami Herald* report,

The last straw, Lee believes, was his Jan. 31 letter to nursing homes directing them to submit information on their ownership, as permitted under the new federal health care legislation. It's a contentious issue in the industry; critics say that's because facilities are often broken into multiple businesses to make lawsuits against them more difficult.

After Lee's departure, a new letter was sent out to nursing homes telling them to disregard the order. He says the industry's intervention in the ombudsman program is a bad sign for nursing home residents.

"It means that they have no independent voice to represent the most frail population," he said.

Numerous consumer groups, including The Consumer Voice and Coalition for Quality Care (both of which LTCCC is a member) have voiced their objections and concerns about the firing, which is likely a violation of federal law on the scope of work and independence of the state Long Term Care Ombudsman programs. [For a copy of the Coalition for Quality Care's letter email [richard@ltccc.org](mailto:richard@ltccc.org).] Minimally, from a consumer perspective, it sends a chilling message about the priorities of the Florida governor.

<http://j.mp/dMu2sf>

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## **Spotlight on Advocacy: Protect Right to Justice for Victims of Abuse and Neglect in Nursing Homes!**

Nursing home residents are among our most vulnerable citizens. When faced with poor conditions most do not have the ability to leave, to “take their business elsewhere.” This is true even when they encounter severe neglect, abuse or degradation in the nursing home. Even when the care or abuse is so bad that it results in a resident’s death.

For these reasons, it is absolutely essential that the state maintains a private right of action for serious nursing home abuse or neglect. Unfortunately, some in the nursing home industry are calling on the state to “repeal” this right and to allow nursing homes to imbed requirements in the residency agreements that require resident & families sign that mandate that any future problem, no matter how terrible or abusive, can only be resolved in arbitration. The victim would not be allowed to file a claim in court.

Who are they trying to protect? Not the frail elderly and disabled who have suffered needlessly because of abuse or neglect. Not the nursing homes that are meeting minimum standards. They are trying to protect the state’s worst nursing homes, many of which have a sad history of hurting their residents year after year. For many of these places, the occasional state fine is just “the cost of doing business.” It is only when an abused resident – or the resident’s survivors – take a case to court is there a chance for meaningful accountability.

Please take a moment to send a message to Governor Cuomo’s Medicaid Redesign Team and let them know that victims of nursing home abuse or neglect deserve their day in court too!

What kind of a world would we live in if someone in a “fender bender” could go to court, but someone who had been raped or severely neglected by her nursing home caregivers could not?

**[Please send a quick, free message now to Gov. Cuomo, NYS legislators and other state leaders – let them know that this right must be protected!](#)**

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### **We’re on the Web!**

[www.ltccc.org](http://www.ltccc.org): Our main website, with access to all of our issues, policy briefs and research.

[www.assisted-living411.org](http://www.assisted-living411.org): For information on assisted living, including consumer issues and policies.

[www.nursinghome411.org](http://www.nursinghome411.org): For information on developments in nursing home care, regulation and policy issues.

**Watch LTCCC’s executive director, Richard Mollot, discuss nursing homes, assisted living & Alzheimer’s care on [Getting Your Money’s Worth](#).**

## LTCCC Links of Interest

- 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*.
- [Tools for Stakeholders & National Report](#) on Increasing Transparency and Consumer Involvement in States' Uses of Nursing Home Civil Money Penalties to Improve Care and Quality of Life.
- LTCCC study: *Government Monitoring & Oversight of Nursing Home Care* in [Word 2007](#) or [PDF](#).

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