

The Covid Pandemic Limits Family Oversight of SNFs

Having a loved one in a nursing home or assisted living facility requires consistent advocacy to ensure advocacy that quality care is being provided.

MCLEAN, VIRGINIA, UNITED STATES, November 10, 2020 /EINPresswire.com/ -- Anyone with a loved one in a nursing home or assisted living facility understands that consistent advocacy is the best method of assuring that quality of care is being provided. It's no secret that [nursing homes](#) are the weak link in our healthcare chain and that unchecked, they have the potential to harm to kill a significant percentage of our seniors. Even before the pandemic, research suggested that as many as 1/3 of patients in our long-term care system are subject to some form of [neglect](#).

And when the pandemic hit, the Trump administration's appointed head of the Centers for Medicare and Medicaid Seema Verma vowed in a March 23rd statement to help "keep what happened in Kirkland from happening again." Seema Verma was referring ground zero in the US of the pandemic in Kirkland, Washington, that arrived into the nursing home from a nurse working at the facility just back from travel from Wuhan, China...[the world's ground zero](#).

Here we are, seven months later, and the Trump Administration's narrative of the pandemic seems to change almost daily. Now, words such as "it's inevitable" are being used to describe how to fight the virus that the administration admits it cannot control.

What has CMS done to protect our seniors in nursing homes. CMS in the first six months of the crisis cleared nearly 8 in 10 nursing homes any infection-control violations, according to a front-page article in the Washington Post on October 30th. And some of these inspections were done over the phone. Like ordering a pizza, I guess, from CMS's point of view.

In a recent article from the Washington Post, Verma said that CMS and its state partners would conduct a series of newly strengthened inspections to ensure the over 15,000 Medicare-certified nursing homes were heeding long-standing regulations. According to their investigation, there were around 290,000 coronavirus cases and over 40,000 deaths among residents and staff, constituting roughly two-thirds of all covid-19 deaths, linked to nursing homes. Roughly 3,500 homes were found to have had violations, and most if not all of the nursing home facilities were fined little if not at all. The newly vaunted inspections counteracted a 3-year push at CMS to appease the nursing home industry on the rules found to be a burden to its business interests.

Prior to the pandemic, CMS made efforts to limit the use of some fines and struck down an Obama-era mandate requiring nursing homes to bring on part-time workers in order to prevent the spread of infections. And the actions by the Trump Administration in reacting to the spread of Covid-19 speak for themselves...with their lack of enforcement and lack of fines.

The Post reports that over the past two years, total fines have dropped 10 percent from their highs in 2016 and 2017 and are down significantly so far this year. In 2020 alone, CMS has imposed nearly \$50 million in fine, roughly half of what was imposed during the same time period last year.

As a result of the Trump Administration's feeble attempts to rein in the covid-19 virus, there have been approximately 7,000 death at nursing homes nationwide. Before the pandemic, Estimates were that between 1 to 3 million are infections occur in nursing homes, skilled nursing facilities, and assisted living facilities each year. <https://www.cdc.gov/longtermcare/index.html>

The Centers for Medicare and Medicaid Services issued guidance which provided specific recommendations on the goal of allowing safe visitation in nursing homes. Yet with that said, that guidance is not enforced. <https://www.cms.gov/files/document/qso-20-39-nh.pdf>. In our region, the guidelines are similar: social distancing, specific hours for visitation, and wearing masks.

When my mother was in a nursing facility recently in New York, I was unable to visit her in her room, explains Downey. My family was allowed one visit a week in the Courtyard. It was extremely difficult getting in contact with any of her nursing staff during the day and there was simply no accountability for her care. She had been in an assisted living facility where the failure to exercise resulted in the loss of her ability to ambulate. Once the SNF obtained her for Rehab, they made sure they billed their full 90 days of therapy and I had to fight with them to get her released back to her assisted living facility.

A recent study conducted by the Virginia Pilot noted that 77 percent of over the past three years, government health inspectors cited about 77% of the state's nursing homes for failing to meet infection prevention and control regulations — and many have been repeat offenders, according to a Virginian-Pilot analysis of federal inspection data.

My situation was not unique and most families experienced the same problem. Unfortunately for the residents in SNFs, issues regarding lack of adequate staffing and resources were only amplified by the Covid pandemic. And our inability to regularly visit our loved ones has left many of these facilities without the proper checks and advocacy. As a result, patients have suffered and neglect that has taken place often goes unreported to our licensing agencies that are charged with maintaining proper standards of care.

Anyone who has experienced the neglect of a loved one during this period should not hesitate to report such conduct. I am attaching a link to a reporting resource page, that provides a one-stop

location to find the agency that handles specific issues in the states of Virginia, Maryland and D.C . However, before you file any licensing complaint, call our office for a free consultation, as the manner in which you report your complaint and the type of information you can provide can have a significant impact on how that claim is reported and in certain situations, it may not make sense to report an incident.

If you or a loved one is a victim of abuse or neglect and are seeking legal counsel, contact The Law Office of Jeffrey J. Downey, P.C., for a free consultation.

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