

York Daily Record **YORK SUNDAY NEWS** **THE YORK DISPATCH**

No good deed goes unpunished for nursing homes (letter)

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For Pennsylvania nursing homes, no good deed goes unpunished.

Each and every day, the state's more than 700 nursing homes provide high-quality, compassionate care to 81,000 frail elderly and disabled residents who need around-the-clock support for clinically complex medical conditions.

Yet, according to recent reports, you'd think the sky is falling.

Well, it's not.

Managing a loved one's long-term care is among the most difficult decisions a family can make. And for many of us, although we don't like to think about it, we're potentially just one accident, one blood clot, one stroke away from a nursing-home stay.

That's why it's important to set the record straight about the level of care these homes provide.

For consumers, the Centers for Medicare and Medicaid Services' five-star rating system, launched five years ago, has become the primary tool for evaluating the nation's nursing homes. Under the system, nursing homes nationwide are ranked on the quality of care, staffing and services to residents.

From the fourth quarter of 2013 to the fourth quarter of 2014, Pennsylvania nursing homes improved on 10 of 11 quality measures, and now rank better than the national average on nine. We are proud that, by the end of 2014, 471 homes were ranked three stars or higher, with 178 scoring four stars and 179 achieving five.

However, in February, the center announced changes to the scoring system. The result? Overnight, dozens of homes started receiving a lower rating — even though the quality of care remained unchanged.

As more and more nursing homes met the highest standards, the agency raised the bar. In the long term, that ensures care continually improves. But sudden recalibrations can leave many consumers confused at a time when they need simple, clear information.

The Pennsylvania Department of Health's official annual survey of facilities provides one of the best and most reliable measures of quality. Each nursing home is licensed and subject to unannounced

inspections by the Health Department at least once a year. These surveys ensure centers are meeting strict regulatory guidelines for quality, staffing, and operational integrity. Nursing homes are subject to intensive and thorough regulation and enforcement. In fact, they are second only to the nuclear industry in the number of state and federal regulations imposed to ensure quality and safety.

Earlier this month, a legal aid organization contended that the entire inspection process is flawed, and cited findings from a report that was limited to 46 nursing homes operating in Philadelphia. The Department of Health is reviewing that report.

The facts are that Pennsylvania nursing homes receive fewer deficiencies than the national average and rank the lowest in serious deficiencies, which means that the state's nursing homes rank better than all other 49 states.

With a focus on enhancing treatment services and improving the overall experience for residents, Pennsylvania nursing homes are continually improving clinical outcomes, with reductions of urinary tract infections, pressure ulcers, use of antipsychotic medication, resident pain, and more.

Despite continued gains, the state Attorney General's Office entered into a secretive no-bid contract with an out-of-state law firm, Cohen Milstein Sellers and Toll, which is working on a contingency basis to dig into the quality of care at select nursing home chains.

The push by plaintiff attorneys to manufacture lawsuits on a contingency fee basis for state attorneys general is deservedly controversial. An extensive New York Times series examining the practice won a Pulitzer Prize and mentioned the Pennsylvania Attorney General's Office. Other published reports, including in *The Inquirer*, note that Cohen Milstein donated to Kathleen Kane's campaign for attorney general. Her office later signed off on increasing the firm's payment.

Each and every Pennsylvanian should be concerned that a self-interested out-of-state law firm is permitted to assume the considerable powers entrusted to the Attorney General's Office and pursue legal theories that sidestep established state regulations and statutory guidelines. That's why, earlier this summer, the Pennsylvania Health Care Association joined an already filed lawsuit to curtail these overreaching activities, which we believe set a very dangerous precedent.

Pennsylvania's nursing homes continue to provide a high level of care to those who rely on them for their daily living needs, and comfort to the families who entrust them with the care of their loved ones.

But don't take our word for it — or anyone else's, for that matter. Seeing is believing. Visit your local nursing home to see first-hand the good work they do every day. Their doors are always open.

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