



Tel. (916) 481-8558 Email: caroleh@4fate.org

OIG Report, Trends in Nursing Home Deficiencies/Complaints

A report by the HHS Inspector General's Office has gotten a great deal of press attention, and we wanted to provide you access to the report in case you get questions from the media or others. The report uses OSCAR data to show trends in deficiencies from 2005 – 2007 and is contained in a memorandum from Inspector General Daniel Levinson to Kerry Weems, the Acting Administrator at CMS. You can access it on the OIG website, Trends in Nursing Home Deficiencies and Complaints (OEI-02-08-00140) Trends in Nursing Home Deficiencies and Complaints (OEI-02-08 ... or Text Version

Among the highlights of the findings:

- The percentage of nursing homes with deficiencies increased from 91.1% in 2005 to 91.9% in 2007.
- The average number of deficiencies per nursing home increased from 6.4% to 7.0%. 74% of deficiencies in 2007 were for quality of care violations.
- 94% of for-profit facilities were cited in 2007, compared with 88% of nonprofits and 91 percent of government-owned nursing homes. For-profit nursing homes also had a higher average number of deficiencies.
- 7.3% of chain-operated facilities were cited in 2007, compared with 6.7% of single-owned facilities.
- There was a slight increase in the scope and severity of deficiencies cited, with a higher percentage of for-profit nursing homes cited for immediate jeopardy or actual harm (17% versus 15% for nonprofit and government facilities).
- Facilities with substandard quality of care deficiencies increased from 3.0% of nursing homes in 2005 to 3.6% in 2007. Again, for-profit nursing homes had higher citations—4.2% compared to 2.3% for nonprofits and 3.0 for government facilities.
- The number of substantiated complaints fell from 14,781 in 2005 to 14,394 in 2007. Only about 39% of complaints were substantiated. About 20% of substantiated complaints involved abuse or neglect.

The report does not address an issue raised in a previous OIG report and in repeated Government Accountability Office (GAO) studies: ***undetected care problems and the under-citing of deficiencies***. A GAO report published last spring found that when federal surveyors did comparative (look-behind) surveys, about 15% of the federal surveys “identified state surveys that failed to cite at least one deficiency at the most serious levels of noncompliance—actual harm and immediate jeopardy.” (See **Nursing Homes: Federal Monitoring Surveys Demonstrate Continued Understatement of Serious Care Problems and CMS Oversight Weaknesses** GAO-08-517, May 9, 2008.) The GAO attributes understatement of deficiencies to surveyors’ weak investigative and analytical skills.

In spite of shortcomings in the study, it provides an opportunity for advocates to make a case to the press and policymakers for the Nursing Home Transparency and Improvement Act (S. 2641), sponsored by Senators Chuck Grassley (R-IA) and Herb Kohl (D-WI), and its House companion bill, the Nursing Home Transparency and Quality of Care Improvement Act (HR 7128), introduced last week by Representatives Pete Stark (D-CA) and Jan Schakowsky (D-IL). The bills will provide the public better information about nursing homes' owners and operators, expenditures, staffing levels, and sanctions, and will provide better tools for the government to monitor and sanction chains. It also lends support to passage of the Fairness in Nursing Home Arbitration Act, S. 2838 and HR 6126, which would invalidate providers' efforts to force residents and their families into arbitration when a resident was neglected or abused.

Watch for a NCCNHR Bulletin providing more information about HR 7128 and other legislation advocates have been following this year.

A more comprehensive report using the same data, by Dr. Charlene Harrington of the University of California/San Francisco, is on the NCCNHR website:

Nursing Facilities, Staffing, Residents and Facility Deficiencies, 2001 Through 2007 by Charlene Harrington, Ph.D., et al. - The September 2008 edition of this book shows trends in U.S. nursing homes by state for 2001 through 2007. The data are from the federal On-Line Survey and Certification System (OSCAR) reports that are completed at the time of the annual nursing home surveys by state Licensing and Certification programs for the U.S. Centers for Medicare and Medicaid Services. Book sections include: Introduction; Facility Characteristics; Resident Characteristics and Services Provided; Staffing Levels; Facility Deficiencies from State Survey Evaluations; Summary; References; and Technical Notes. Read the Press Release. View the book.

Janet C. Wells
Director of Public Policy
NCCNHR: The National Consumer Voice for Quality Long-Term Care
1828 L St., NW, Suite 801
Washington, DC 20036
202-332-2275
Fax 202-332-2949

Making It Happen: Advocacy into Action ~ Action into Care

NCCNHR 33rd Annual Conference and Meeting

October 15 - 17, 2008

Indianapolis, IN

Go to www.nccnhr.org for information