Elder Justice & Transparency Provisions of PPACA

ULTCS Work Group

May 5, 2010

Elder Justice Overview

- **Elder Justice Coordinating Council**
- **Forensic Centers**
- **LTC Enhancements**
- **Adult Protective Services** (APS)
- **Long-Term Care Ombudsman**
- **Protecting Residents of LTCF**

Elder Justice Coordinating Council

- Office of the Secretary
- Attorney General
- Relevant Federal Agencies
- Recommendations for coordination of HHS, DOJ, Federal, State, local, private entities
- Abuse, Neglect, Exploitation & other crimes against elders

Advisory Board

- Recommendations to the EJCC
- 27 members
- Develop approaches to improve the quality of, including prevention of ANE, in long-term care
- Multidisciplinary Panels
- Report

Forensic Centers

- 4 Stationary
- 6 Mobile
- Development of markers and methods
- Development of expertise
- Collection of evidence

LTC Staffing

- Training, Recruitment, Retention
  - Incentives to train for and seek employment
  - Career ladders & wage or benefit increases
- Improved management practices
  - Policies
  - Workplace culture for staff
  - Workplace culture for residents
  - High quality of care

Additional LTC Enhancements

- EHR Technology Grants
- Standards for transmission of data (LTCF)

APS – Federal Responsibilities

- Funding for state and local APS investigation
- Data collection
- Best practices & Training
- Research about APS
- Technical assistance

APS Grants

- Formula - % of elders
- Supplement and not supplant
- State agency with legal responsibility for APS

Ombudsman

- Improve capacity to handle abuse and neglect complaints
- Pilot programs
- Resource center
- Training grants to SLTCO programs and national organizations

Protecting Residents of LTCF

- National Training Institute for Federal and State Surveyors
- Grants to survey agencies for complaint investigation systems
- Reporting suspicion of crimes in LTCF
- Study National Nurse Aide Registry

Nursing Home Transparency

- Disclosure of ownership
  - Governing body members
  - Officers, directors,…managing employees
  - Organizational structure
  - As requested
    - HHS Secretary and Inspector General
    - State
    - State Ombudsman
  - Standardized format – 2 years

Facility Accountability

- Ethics and Compliance Program
  - Policies
  - Procedures
  - Leadership
  - Communication
  - Enforcement
  - Reassessment
- Quality Assurance and Performance Improvement

Nursing Home Compare Web Site

- New staffing data
- Links to state sites
- Standardized complaint form
- Summary information about complaints
- Number of adjudicated criminal violations
- Review and modification

Nursing Home Compare

- State Web site required
- Consumer rights information page

Reporting of Expenditures

- Wages and benefits broken out by direct care personnel
- Categorization of functional accounts

Complaint Forms and Processes

- Standardized form for Survey Agency and SLTCO
- Resolution process for retaliation complaints

Staffing Accountability

- Electronic submission of staffing data based on payroll records
  - Category of work
  - Resident census
  - Reporting schedule
  - Staff turnover, tenure, hours of care by category

Five-Star Rating

- GAO Report

Enforcement

- Civil Monetary Penalties
  - Reduced for facility self-reports and prompt correction
  - Certain deficiencies exempted from reduction
  - Deposit in escrow
  - Use may include offsetting cost of transfer to another home or HCBS setting if home is decertified, among other uses

Additional Nursing Facility Provisions

- National Independent Monitor Demonstration
  - Oversee large intrastate chains
  - Oversee interstate chains
- Notification of Closure
  - 60 days
  - Relocation assurances

- Culture Change Demonstration
- Information Technology Demonstration
- Dementia & Abuse Prevention Training

Criminal Background Checks

- Broad provider applicability
- Rap back
- Provisional employment with direct on-site supervision
- Independent dispute process
- Federal match 3 times state funding
- Finding of patient or resident abuse
- Direct patient access

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Ohio Department of Aging

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