

2022 Facilities Workgroup Achievements

The Dignity Alliance Massachusetts (DignityMA) Facilities Work Group (Nursing Homes, Rest Homes, and Assisted Living) addresses quality of care and quality of life issues affecting residents. This work group focuses on developing policy recommendations on a wide range of issues including residents' rights, safe staffing levels, workforce training and wages, COVID-19 pandemic issues, oversight and enforcement, nursing home licensure, closure and financing policies, and more.

In 2022, the Facilities Work Group provided written/oral testimony and research on a wide range of nursing home issues:

Massachusetts

- **January, 2022:** To protect and support nursing home residents and their caregivers, submitted comprehensive responses to Elder Affairs Committee follow-up questions on the legislation below previously heard by the Committee in 2021:
 - [S.413/H.733](#) An Act to improve employer standards for Massachusetts nursing homes: addresses nursing home licensures, workforce annual survey, and comprehensive review of nursing home finances;
 - [S.414/H.727](#) An Act to ensure quality of care in nursing homes: addresses 4.1 hours per resident per day staffing standard, outbreak response plans, social isolation prevention policies, blueprint to minimize congregate living
 - [S.406](#) An Act relative to Small House Nursing Homes addresses construction of “small home” nursing homes which house 10-14 residents, a more personalized setting than current large facilities, in order to return control, dignity, and a sense of well-being to residents, while providing high-quality, person-centered care.
 - [S.412/H.735](#) - An Act increasing the personal needs allowance (PNA) for MassHealth nursing home residents of long-term care facilities. The PNA, a modest amount reserved from a nursing home or rest home resident's income, pays for personal needs not covered by MassHealth, e.g. clothing, shoes, telephone calls, haircuts, etc.
 - [S.422](#) An Act relative to reserving beds in nursing homes during certain leaves of absence codifies a budget item to ensure protection for MassHealth nursing home residents who leave the facility (up to 10 days per hospital stay), or to visit with family (up to 10 days per year), by allowing them to return to their same bed --- to their home.
 - [S.424](#) - An Act to prevent patient abuse and death in nursing homes sends a strong message that the failure of facilities to protect their residents will carry a hefty financial penalty by raising the maximum fine for MA nursing home regulatory violations from \$50/day to the federal maximum fine, currently over \$22,000/day per infraction.

Massachusetts - written/oral testimony and research

(Continued)

- **June, 2022:** co-authored comments to support [H.4780](#), An Act to Improve Quality and Oversight of Long-Term Care which was before the House Ways and Means Committee. Stakeholders, including DignityMA, were included in the development of the legislation that makes several critical reforms in Massachusetts laws governing long-term care.
- **August, 2022:** Joint Committee on Elder Affairs Hearing on 105 CMR 153.000: *Licensure Procedure and Suitability Requirements for Long-term Care Facilities* Sections 153.015 Limitation on New Admissions and 153.018 Hearings Procedure:
Supported nursing home admissions freezes that are critical to protecting nursing home residents from harm when jeopardy exists. Also, proposed plan of correction protocols to ensure implementation of protections and expedient, appropriate care for nursing home residents.
- **October, 2022:** Reviewed [SD.1244](#), [HD.2564](#) *An Act to improve quality and oversight of long-term care* for comments. This legislation is the newly filed replacement of [H.4780](#), An Act to Improve Quality and Oversight of Long-Term Care noted in June, 2022 above comments.

Federal - written testimony

- **April, 2022:** Centers for Medicare and Medicaid Services (CMS) [Request for Information](#) (RFI) regarding implementation of a minimum staffing standard in nursing homes, the most important and significant increase in protections for nursing home residents in decades. CMS promised to propose a minimum staffing standard within one year:
Submitted extensive response strongly supporting implementation of a minimum staffing standard in order to provide quality care to nursing home residents.

Additional Facilities Work Group efforts to support nursing home residents:

- **February, 2022:** Co-Authored Letter to Department of Public Health (DPH) Commissioner Cooke requesting increased DPH resources to hire additional qualified surveyors to investigate resident and staff complaints in a timely fashion, including complaints which the facility claims resulted in “no harm.”
- **March, 2022:** Co-Authored “Resolution Honoring Victims and Survivors of the Covid-19 Pandemic in Massachusetts” to recognize the two year anniversary of the onset of Covid-19 thousands of victims of the pandemic - people who have died and those who have survived - their families, and all the caregivers and first responders. We especially remember the residents of nursing homes and other congregate care settings, thousands who died and many more who have endured the pandemic in isolation away from family and friends. To ensure that the memories of those who suffered are honored in the years ahead and the lessons learned are not forgotten, DignityMA urged the Legislature to enact [H.4224 Resolutions establishing the annual observance of COVID-19 Remembrance Day](#), using March 10th as the commemoration date (same day Gov. Baker declared state of emergency - 3/10/20).

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Additional Facilities Work Group efforts to support nursing home residents: (Continued)

- **September, 2022:** Authored response to questionnaire regarding Alzheimer’s Association National State Assessment on Dementia Policies. Provided various recommendations to improve dementia care for nursing home residents and dementia care education for nursing home staff.
- Participated in Dignity Alliance strategic planning to review advocacy direction and set priorities to pursue in 2023.
 - ✓ Staffing, Oversight, Financial Responsibility, Antipsychotics, Pandemic Preparedness, Small Home Model (includes 1-2 people per room).
- **December, 2022:** Reviewed 2023 MA Legislation (filed December, 2022) seeking a wide range of care improvements for nursing home residents.

The Facilities Workgroup was active in the *Dignity Votes 2022* non-partisan campaign providing information on MA state and national candidates regarding nursing home and home issues:

- **Authored** Fact Sheet and Issue Briefs to educate the general public on various issues:
 - ✓ Massachusetts [Nursing Home Fact Sheet](#) - summarizes MA nursing home major issues in order to ensure the dignity, quality care, and living conditions necessary for the ongoing well-being of all who live and work in MA nursing homes.
 - ✓ Issue Briefs – includes background, problems, and recommendations for the following issues noted in the MA Nursing Home Fact Sheet:
 - [Nursing Home Staffing Issues](#)
 - [Pandemic Issues in Nursing Homes](#)
 - [Nursing Homes – Financial Responsibility](#)
 - [Nursing Homes – Oversight, Licensures, Closures](#)
 - [Nursing Homes – Small Home Model](#)
- **Constructed** questions for candidates and **participated** in panel interviews: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor.
- **Authored** “Recommendations to improve the quality of care and quality of life of MA nursing home residents” submitted to the Healey/Driscoll Transition Team and also presented to Lieutenant Governor-elect Driscoll in a meeting with elder advocates.
- **Reviewed** questions developed for Massachusetts Legislature and US Congressional Candidates.
- **Developed** nursing home resident advocacy priorities for 2022 for candidate forums for governor, lt. governor, auditor, attorney general, congress, and state legislative offices.

The Facilities Workgroup Leader was active in several special projects:

- **Co-Authored:** **April, 2022 Commonwealth Magazine *Nursing homes need support — and more accountability: Without reforms, the industry will be 'unsafe at any expenditure'*.** <https://commonwealthmagazine.org/opinion/nursing-homes-need-support-and-more-accountability/>
Rebuttal to the nursing home industry’s call for an additional \$238M in MassHealth payments to be included in the state’s FY 2023 budget. The main point of DignityMA’s position is that if there is any enhanced funding it must be accompanied with the requirement of a comprehensive, transparent, public audit of the use of funds.

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The Facilities Workgroup Leader was active in several special projects: (Continued)

- **Co-Authored: December, 2022 Boston Globe Letter to the Editor: How to Better Care for Our Elderly and Frail – A Call To Action, Not More Tax Dollars.** [Read how to better care for our elders.](#)
Plea to Healey-Driscoll Administration to implement a Dignity Alliance MA transformational action plan.
- **Co-Interviewed several national nursing home financial experts to develop a strategy to implement a mandated, recurring requirement of comprehensive nursing home audits, including related party transactions.** Audits, including public reports, are necessary to determine any MassHealth rate shortfalls or self-dealing/other transactions detrimental to the well-being of residents. Audits and publicly reporting the use of MA, ARPA/other COVID-19 special funding (2020 to current) would also ensure funds are being used as intended and determine how best to implement funding for future disaster needs.

In addition, throughout the year, the Facilities Work Group advocated for transformation by working alongside other DignityMA Work Groups and provided its expertise to improve the lives of long-term care residents and their caregivers.