



## The Dignity Budget Overview

Dignity Alliance Massachusetts respectfully urges the Healey/Driscoll Administration to develop a state budget for Fiscal Year '25 that includes provisions for **a more Age-Friendly and Able-Friendly Commonwealth** – a budget that supports older adults, people with disabilities, and their caregivers.

### **Our consensus top three priorities for the Dignity Budget include:**

#### **Dignity for Long-Term Care Residents in Nursing Homes:**

Nearly 75% of Massachusetts nursing homes<sup>1</sup> fail to meet the minimum staffing of 3.58 required by regulations, yet the Department of Public Health has not kept pace with inspection of nursing homes or responding to resident complaints.<sup>2</sup> Insufficient nursing home staff places residents at risk. Staff training is limited<sup>3</sup>, and state survey agency training is insufficient to provide effective oversight.<sup>4</sup>

Residents are unable to afford basic personal care supplies not provided by nursing homes, since low personal care assistance has been stagnant for many years. State analysis of nursing home ownership and finances is difficult to obtain and not easily analyzed for detection of fraud.

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<sup>1</sup> As of most recent available data: Q1, '23, <https://nursinghome411.org/data/staffing/staffing-q1-2023/>.

<sup>2</sup> [Massachusetts Trends in Nursing Home Complaints \(hhs.gov\)](#). Since 2020, two Office of Inspector General reports on DPH operations across 50 states gave MA poor marks:

- [2015-18: MA DPH failed by large margins to meet 95% threshold to initiate surveys of high-priority complaints within 10 days.](#)

U.S. Health and Human Services Office of Inspector General, January 2022, OEI-06-19-00460: <https://oig.hhs.gov/oei/reports/OEI-06-19-00460.asp>.

- 2011-18: MA DPH one of only 10 states that failed to perform timely investigations of high priority complaints for 8 consecutive years. Office of the Inspector General (OIG), States continued to fall short in meeting required timeframes for investigating nursing home complaints.

2016-2018, September 2020, OIG OEI-01-19-00421, Data Brief, Results page 6, <https://oig.hhs.gov/oei/reports/OEI-01-19-00421.pdf>.

<sup>3</sup> Increase 75 hours of training required to become a CNA to 120 hours (recommended by National Academy of Medicine). MA is one of only 19 states that have not changed these basic requirements in nearly 30 years. <http://phinational.org/advocacy/nurse-aide-training-requirements-state-2016/>.

<sup>4</sup> [Audit Calls on Department of Public Health to Enhance Oversight of Abuse and Mistreatment at Nursing Homes | Mass.gov](#)

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Dignity Alliance Massachusetts is a statewide, non-profit, grass-roots coalition of aging and disability service and advocacy organizations and supporters, working to secure fundamental changes in the provision of long-term services, support, and care through legislation litigation, education and regulation. We are a coalition of more than 30 organizations, committed to a new vision of dignity and care for older adults and people with disabilities in Massachusetts!

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**Dignity for Long-Term Care Residents in Nursing Homes (continued):**

**ACTION STEPS**

- Increase AND enforce nursing home staffing standards.<sup>5</sup>
- Increase support for inspection and oversight by the Department of Public Health (nursing homes and rest homes) and Executive Office of Elder Affairs (assisted living).<sup>6</sup>
- Confirmation of Compliance with Direct Care Cost Quotient (75% of nursing home revenues for nursing staff).<sup>7</sup>
- Increase the Nursing Home Resident Personal Needs Allowance to \$160/month, plus COLA (it's been \$72.80/mo. for decades, far too long).<sup>8</sup>
- Require nursing home cost reports and related third party financial reports to be in Excel format, in a searchable data base, and publicly available within six months of the end of the filing year or from the date of closure.<sup>9</sup>
- Establish and fund a program to combat inappropriate use of antipsychotics with nursing home residents.<sup>10/11</sup>
- Preserve nursing home bed holds for resident medical and social leaves of absence to protect the resident's home.<sup>12/13</sup>
- Equalize rights of nursing home residents with those in state care (e.g., DMH, DDS).<sup>14</sup>
- Provide funding for implementation of a statewide Office of Adult Guardianship and Conservatorship Oversight to increase court oversight of guardians

**Dignity for Long-Term Care Residents in Nursing Homes, Action Steps (continued):**

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<sup>5</sup> [Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting \(CMS 3442-P\) | CMS](#)

<sup>6</sup> [UNINSPECTED & NEGLECTED - FINAL REPORT.pdf \(senate.gov\)](#)

<sup>7</sup> [AB 20-03 \(mass.gov\)](#)

<sup>8</sup> [Everything You Need to Know About the Personal Needs Allowance - Ladimer Law Office PC](#)

<sup>9</sup> [2023-Related-Party-Report.pdf \(theconsumervoice.org\)](#)

<sup>10</sup> [Inappropriate Antipsychotic Use: The Impact of Nursing Home Socioeconomic and Racial Composition - PubMed \(nih.gov\)](#)

<sup>11</sup> [Phony Diagnoses Hide High Rates of Drugging at Nursing Homes - The New York Times \(nytimes.com\)](#)

<sup>12</sup> [Managing the Nursing Home Experience: Two MA Budget Items Protecting MassHealth Residents – MANHR.](#)

<sup>13</sup> [BedHoldPolicy by State 2019.pdf \(ltcombudsman.org\).](#) Current bed hold days: 20 for medical leaves and 10 for personal leaves. Reimbursement rate to a nursing home was reinstated to \$80.10/day.

<sup>14</sup> [42 CFR § 483.10 - Resident rights. | Electronic Code of Federal Regulations \(e-CFR\) | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

- Update regulations to accommodate and promote the development and operation of “Green House” and other “small house” model nursing homes.<sup>15</sup> Require nursing homes to have a full-time social worker for every 60 residents.<sup>16</sup>
- Require a full-time infection preventionist, as recommended for nursing homes by the CDC and the Association for Professionals in Infection Control and Epidemiology (APIC).<sup>17</sup>
- Require that the name(s) of the beneficial owners and their business addresses be publicly posted on a state-managed website.
- Require that the names of the administrator, director of nurses, and medical director be publicly posted in a directory on a state-managed website.

### **Dignity for All Older Adults and People with Disabilities in the Community:**

Housing assistance is limited and not affordable for most.<sup>18</sup> Even if the housing crisis can be addressed, many units are not accessible for those with mobility issues. Home care services, and staff, including personal care attendants are in short supply. While there are many people who could receive care at home rather than in a nursing home, funding for expensive institutional care outpaces what could be used to keep people out of nursing homes or to help them leave nursing homes at a savings to taxpayers and a benefit to the dignity of older adults and people with disabilities.

#### **ACTION STEPS**

- Increase support for the Accessible, Affordable Housing Grants program and Alternative Housing Vouchers program.
- Increase support for Independent Living Centers to \$12 million to help people leave and stay out of nursing homes or assisted living facilities.<sup>19</sup>
- Increase funding for Elder Mental Health Outreach Teams (EMHOT)<sup>20/21</sup>
- Address trend of increasing numbers of older adults among the homeless.<sup>22</sup>
- Establish a Commission on the Status of Older Adults.<sup>23</sup>

### **Dignity for All Older Adults and People with Disabilities in the Community (continued)**

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<sup>15</sup> [The Green House Model of Nursing Home Care in Design and Implementation](#)

<sup>16</sup> <https://www.forbes.com/sites/nextavenue/2019/07/26/despite-their-importance-many-nursing-homes-lack-social-workers/?sh=5dc6fac72e5e>

<sup>17</sup> *APIC Calls for Properly Trained Infection Prevention Expertise in All New York State Nursing Homes*, 2/11/21, <https://apic.org/apic-calls-for-properly-trained-infection-prevention-expertise-in-all-new-york-state-nursing-homes/>.

<sup>18</sup> [Housing | MAMH](#)

<sup>19</sup> [Independent Living for Seniors: Benefits and Costs – Forbes Health](#)

<sup>20</sup> [Elder Mental Health Outreach Team - ETHOS \(ethocare.org\)](#)

<sup>21</sup> [Fact Sheet on Elder Mental Health Outreach Teams - MCOA Online](#)

<sup>22</sup> [The Growing Problem of Older Adult Homelessness | Joint Center for Housing Studies \(harvard.edu\)](#)

<sup>23</sup> [Community-Based LTSS Are Needs of Older Adults and Caregivers Met? | Commonwealth Fund](#)

- Provide energy assistance support for cooling during hot months, increase support for heating in cold months, and prevent utility shut-off during both periods.<sup>24</sup>
- Support Elder Justice Unit in Attorney General's Office and efforts to prevent elder abuse or exploitation.<sup>25</sup>
- Increase resources for dementia care in the community.<sup>26</sup>
- Increase funding for suicide prevention programs for older adults and people with disabilities.<sup>27</sup>
- Encourage state universities and community colleges to adopt "age-friendly university" concepts similar to the UMASS system.<sup>28</sup>
- Establish and fund an Office of Tenant Advocate to prevent bullying in housing.<sup>29/30</sup>
- Address the needs of older and/or incapacitated individuals who are incarcerated.<sup>31</sup>
- Fund a grant program for councils of aging to advance "Age Friendly" policies, programs, services, and community infrastructure consistent with the state's "Age Friendly Massachusetts Action Plan"<sup>32</sup>.
- Increase employment and vocational rehabilitation for older adults.<sup>33/34</sup>
- Increase funding for production of older adult state-assisted housing units and accessory dwellings.<sup>35</sup>

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<sup>24</sup> [Older Adults and Extreme Heat \(cdc.gov\)](https://www.cdc.gov/olderadults/extremeheat/)

<sup>25</sup> [Resources for Elders at the Attorney General's Office | Mass.gov](https://www.mass.gov/info-details/resources-for-elders-at-the-attorney-general-s-office)

<sup>26</sup> [CommunityRx: Optimizing a community resource referral intervention for minority dementia caregivers - PMC \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/31111111/)

<sup>27</sup> [Preventing Suicide in Older Adults | Mental Health America \(mhanational.org\)](https://www.mhanational.org/preventing-suicide-in-older-adults)

<sup>28</sup> [A call to action: Why and how to join the Age-Friendly University Global Network \(apadivisions.org\)](https://www.apadivisions.org/call-to-action)

<sup>29</sup> [Preventing and Addressing Harassment in Housing Fact Sheet for Property Owners and Managers \(hud.gov\)](https://www.hud.gov/sites/dfiles/docs/preventing-and-addressing-harassment-in-housing-fact-sheet-for-property-owners-and-managers)

<sup>30</sup> [Fall2019 NAHPUpdate FINAL.pdf \(nahma.org\)](https://www.nahma.org/fall2019-nahpupdate-final.pdf)

<sup>31</sup> [What Should We Do about Our Aging Prison Population? - JSTOR Daily](https://www.jstor.org/stable/2344444)

<sup>32</sup> [Age Friendly Massachusetts Action Plan](https://www.agefriendlymassachusetts.org/)

<sup>33</sup> [IZA World of Labor - Is training effective for older workers?](https://www.iza.org/2017/05/15/iza-world-of-labor-is-training-effective-for-older-workers/)

<sup>34</sup> [Retraining, Reintegrating and Recruiting Elders \(asaging.org\)](https://www.asaging.org/retraining-reintegrating-and-recruiting-elders)

<sup>35</sup> [Planning for the Housing Needs of an Aging Population - Home - Institute for Housing Studies - DePaul University](https://www.institute-for-housing-studies.org/planning-for-the-housing-needs-of-an-aging-population-home)

### **Dignity for Caregivers of Older Adults and People with Disabilities:**

A major problem in recruiting and retaining staff for nursing home and home care is that those choosing such employment fail to receive a living wage and are asked to care for an unreasonable number of older adults and people with disabilities, creating a job that is unappreciated, underpaid, and lacks dignity while being over-worked. Little investment has been made to provide technology that could support the caregivers both in nursing homes or in private homes. Until the causes for high turnover are addressed, new employees will be difficult to find and retain, even if immigration laws were reformed and language differences addressed.<sup>36</sup> Nursing home residents will receive better care from the same caregivers over time,

rather than continually adjusting to new caregivers or temporary personnel.

#### **ACTION STEPS**

- Enhance support for caregivers – both family and career.<sup>37</sup>
- Increase pay and benefits for nursing home, home care, and community program staff.<sup>38</sup>
- Audit compliance with the Direct Care Cost Quotient requirement and penalize non-compliance.<sup>39</sup>
- Freeze nursing home admissions when there is continuing non-compliance with staffing ratio.<sup>40/41</sup> Seek federal and state authorization of spouses to be compensated and trained.<sup>42/43</sup>

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<sup>36</sup> [Workforce Recruitment and Retention | Mental Health Technology Transfer Center \(MHTTC\) Network \(mhttcnetwork.org\)](http://mhttcnetwork.org)

<sup>37</sup> [Placing a Higher Value on Direct Care Workers | Commonwealth Fund](http://commonwealthfund.org)

<sup>38</sup> [Supporting Direct Care Workers: Recruitment and Retention Strategies \(ncsl.org\)](http://ncsl.org)

<sup>39</sup> [101 CMR 206.12 - Direct Care Cost Quotient | State Regulations | US Law | LII / Legal Information Institute \(cornell.edu\)](http://cornell.edu)

<sup>40</sup> [How the Labor Shortage Is Affecting Nursing Home Staff \(aarp.org\)](http://aarp.org)

<sup>41</sup> [Chronic Understaffing in Nursing Homes and The Impacts on Healthcare - NurseJournal](http://nursejournal.com)

<sup>42</sup> [The Recorder - Let's pay spouses to provide elder care](http://therecorder.com)

<sup>43</sup> [Can a Spouse Be Paid as a Caregiver? \(devotedguardians.com\)](http://devotedguardians.com)