

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
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Senator Richard T. Moore
Leadership Team
Dignity Alliance

August 12, 2024

Dear Senator Moore,

Thank you very much for your email dated July 15th regarding your concerns for staff and resident wellbeing in Massachusetts nursing homes. The Department appreciates you bringing this to our attention as communication such as this is essential for us to maintain quality and safety standards in healthcare facilities throughout the Commonwealth.

While I am always open to your concerns and correspondence, if you have a concern about a specific facility and its ability to provide safe care, the best way to pursue an investigation is to submit your complaint through our Bureau of Health Care Safety and Quality and our Bureau of Health Professions Licensure. For more information on this process please visit our website: [File a complaint regarding a nursing home or other health care facility.](#)

As State Survey Agency (SA), DPH shares responsibility of nursing home oversight with CMS. DPH conducts onsite surveys to assess compliance with Federal and State requirements and investigate complaints. As SA, DPH serves as the front-line responder to address health and safety concerns raised by residents, their families, and facility staff. Accordingly, when surveyors identify an issue of noncompliance during a survey, the nursing home is cited for the deficiency finding and is required to correct the issue(s) to come back into substantial compliance with Federal and/or State requirements. Standard recertification surveys are conducted on a 9-to-15-month cycle with a statewide average of 12 months. Each standard survey varies in terms of the length of the survey with the average survey being completed in approximately 3-5 days.

Additionally, the Department receives approximately 20,000 consumer complaints and facility reported incidents annually which are triaged for disposition and an onsite investigation is conducted when indicated. Should survey staff identify areas of non-compliance with applicable federal and/or state requirements during any survey or investigation, DPH issues a statement of deficiency (SOD) specifying areas of noncompliance. In response, the facility must file a plan of correction (POC) that addresses how and when each deficiency will be corrected to ensure patient safety and quality of care. Nursing homes must submit the POC to DPH within ten days of receiving the SOD.

DPH reviews the plan of correction and will conduct either a desk audit or an onsite follow up survey to ensure the facility has corrected the issue(s) and come back into compliance with Federal and/or State requirements. In certain instances, based on the current statement of deficiency and the

facility's survey history, the Department may issue a facility a directed plan of correction (DPOC). A DPOC is developed by DPH and specifies specific corrective actions the facility must take, such as hiring a consultant or utilizing certain tools or trainings. DPH conducted a standard recertification survey in February 2022 at Highview at Northampton (Highview). DPH issued Highview an SOD with 27 cited deficiencies, including one substandard quality of care citation and three harm citations.

Due to the number and severity of the deficiencies cited, the Department issued a DPOC to Highview, requiring the facility to implement systemic changes around updating infection control policies and procedures, appropriate use of PPE, and training courses for staff on infection prevention and control, as well as to conduct a root cause analysis with assistance from an infection preventionist. The facility submitted a POC, made the required systemic changes, and was found to be in compliance with applicable federal and state requirements on May 9, 2022.


The latest standard recertification survey at Highview was conducted in July 2023. Although DPH issued Highview an SOD with 13 cited deficiencies, Highview did maintain many of the systemic changes implemented as a result of DPH's DPOC from the February 2022 survey. The facility submitted a POC and was found to be in compliance with applicable federal and state requirements on August 31, 2023.

Since the last standard survey in July 2023, DPH has conducted four onsite investigations based on complaints received by consumers or incidents reported by the facility. Two of the onsite investigations resulted in no deficiencies being cited. One investigation resulted in deficiencies being cited. The final on-site investigation is currently open and, as a result, DPH cannot provide further information.

DPH is in regular communication with the local long-term care ombudsman that makes weekly rounds at Highview and advocates for residents, when necessary. The ombudsman reports anything of concern to DPH for further investigation. Additionally, meeting with the local ombudsman to discuss any concerns about the facility is part of the preparation work conducted by DPH surveyors before a survey begins. The local ombudsman is also invited by DPH surveyors to take part in the survey exit conference to hear from DPH surveyors about any concerns or compliance issues.

The Massachusetts Department of Public Health greatly appreciates your concern and expertise. We are committed to protecting the health and safety of all residents in the Commonwealth.

Sincerely,


Robbie Goldstein, MD
Commissioner
Massachusetts Department of Public Health