

# Dignity The Dignity Digest

Issue # 208

October 22, 2024

The Dignity Digest is information compiled by Dignity Alliance Massachusetts concerning long-term services, support, living options, and care issued each Tuesday.

## DignityMA Zoom Sessions

## \*May require registration before accessing the article.

Dignity Alliance Massachusetts participants meet via Zoom every other Tuesday at 2:00 p.m. Sessions are open to all. To receive session notices with agenda and Zoom links, please send a request via <a href="mailto:info@DignityAllianceMA.org">info@DignityAllianceMA.org</a>.

## **Spotlight**

## Consumer Voice's Statement Regarding Lawsuit Filed by Twenty States to Block Critical Staffing Protections for Nursing Home Residents

## **National Consumer Voice for Quality Long-Term Care**

On October 9, 2024, twenty state attorneys general filed suit in federal court to block the implementation of the most significant increase in protections for nursing home residents in decades, the minimum staffing rule. Finalized in May this year, the rule will require all nursing homes to meet minimum daily staffing requirements. The rule came out of the devastating impact COVID-19 had on nursing homes where over 200,000 residents and workers died from COVID-19, many living and working in understaffed homes. One analysis estimated that this new rule would save at least 13,000 lives annually.

It is irrefutable that nursing homes with higher levels of staff have better outcomes. Residents who live in poorly staffed homes experience higher levels of death, pressure ulcers, weight loss, falls, depression, and other harm. Importantly, the final rule was very modest; in fact, it was designed to bring up the poorest staffed homes in the country. Currently, residents who live in nursing homes that staff below the final staffing rule are at increased risk of harm and death. As a country, we cannot let that continue.

Since the rule was proposed, the nursing home industry has claimed that there is insufficient staff to meet heightened staffing requirements. They do not tell you that the nursing home industry has a job quality problem. On average, nursing homes experience 52% direct care staff turnover each year. That's more than one out of every two workers. Turnover in health care is driven by poor wages and benefits, impossible workloads, lack of training, and few opportunities for career growth. The issue isn't a lack of people taking these much-needed jobs, but people aren't interested in them. Working conditions must be improved to retain staff and attract new people to the field. Without adequate staff, residents are not helped to the bathroom in a timely manner; they go without showers and are left to languish in bed for hours or even days on end.

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To address industry concerns, the rule provides for extensive delays in implementation and for exemptions. It will be two years before homes will be required to meet this standard (three years in rural areas). Further, many nursing homes that cannot meet the staffing standard, even after making good-faith efforts to hire, will be eligible for an exemption from the rule.

The nursing home industry receives over \$90 billion dollars a year to provide nursing home care. Yet, the quality of care they provide is too often substandard. Frequently, this fact is driven by corporate greed. Recently, members of Congress wrote to three of the largest nursing home chains in the country, noting that these companies, over four years, were paid \$650 million in dividends, buyback, and executive compensation. This corporate greed takes money away from wages and benefits, which drives up turnover. Importantly, it also allows the nursing home industry to claim that there are not enough workers.

Unsurprisingly, there are <u>extreme differences</u> between the amount of staffing that for-profit nursing homes provide and that of non-profit nursing homes. On average, non-profit homes staff an hour more than for-profit nursing homes and perform better on <u>all measures</u> of quality. Why is it that thousands of non-profit homes currently staff at levels that far exceed the final staffing rule while for-profit homes do not?

Shamefully, these attorneys general, many of them elected officials, who are charged with protecting citizens, have taken up the cause of large corporations that put profit over patient outcomes. Have no doubt, failing to implement this rule will cause incalculable harm to residents, including death. Instead of rolling back protections for nursing home residents, these attorneys general should be asking where our taxpayer dollars are going and standing with our most vulnerable citizens, working to protect them, and ensuring they receive the proper care in our nation's nursing homes.

#### Quotes

"Protecting older adults in assisted living facilities from financial, or other forms of abuse, is an important goal for Dignity Alliance. Attorney General Campbell deserves high praise for taking action to expand consumer protections to this vulnerable population. And since October is designated as "Residents' Rights Month," it's a great time to launch the development of this vital effort."

Former Senator Richard Moore, Co-Founder of Dignity Alliance and Member of the Leadership Council of the National Consumer Voice for Quality Long-Term Care, <u>Attorney General's Office Seeks</u>

<u>Community Feedback To Inform Drafting Of Assisted Living Residences Regulations</u> (Office of Attorney General Andrea Campbell)

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"The Attorney General's concern for the residents of more than 250 Assisted Living Residences in Massachusetts echoes the concerns of many residents, their loved ones and their advocates. Their advocates in particular know the value and scope of the protections afforded by regulations issued pursuant to the Consumer Protection Act (chapter 93A), which give weight and specificity as to what would be an unfair act or practice. We applaud the Attorney General's commitment to the growing numbers of consumers who will be protected by the regulations."

John Ford, Esq., Northeast Justice Center and Dignity Alliance, <u>Attorney General's Office Seeks Community Feedback To Inform Drafting Of Assisted Living Residences Regulations</u> (Office of Attorney General Andrea Campbell)

"I don't know how many more years I have on this Earth but I'm going to spend it fighting for women."

Kathryn Engelhard, 69 year old Pennsylvania voter, <u>Are women over 50 the critical voter group no one is talking about?</u>, **The 19**<sup>th,</sup> October 17, 2024

"For two weeks we've been unable to shower or wash hands. Maintaining hygiene with hand sanitizers is a constant must. Another example is having to pour a bucket of water into the tank of the toilet in order to flush. And keep in mind that our residents are old and not used to such physical activity."

James Greene, an 84 year old resident of Brooks-Howell Home in Asheville, North Carolina, <u>Some NC nursing homes still without water</u>, <u>3 weeks after Hurricane Helene</u>, **MSN.com**, October 21, 2024

"[The residents] don't want to eat, they don't want to sleep, and mostly you see the sadness in their eyes."

Rosa Maldonado, a staff member at Abbott Terrace Medical Center in Waterbury, CT, <u>Nursing home permanently closing, residents and workers fighting to keep jobs and homes</u>, **MSN.com**, October 16, 2024

### **Dignity Study Sessions**

## REV UP MA 2024 Disability Voting Webinar

Tuesday, October 22, 2024, 1:00 to 2:30 p.m.

This webinar will include information about preparing for the upcoming election, legal rights of Massachusetts voters, Accessible Electronic

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Vote by Mail, and accessibility requirements of polling places across Massachusetts.

### Tentative Agenda:

- Introduction by Brianna Zimmerman, Voting Rights Advocate, Disability Law Center
- Massachusetts Voters' Rights by Brianna Zimmerman
- Accessible Electronic Vote by Mail in Massachusetts by Tatum Pritchard, Director of Litigation, Disability Law Center
- Overview of Accessible Polling Places by Tom Murphy, Supervising Attorney, Disability Law Center
- Tips for Advocating for Accessible Polling Places by Rick Glassman, Director of Advocacy, Disability Law Center
- **Questions & Answers**

Space is limited and registration is required to participate. Reservations will be granted on a first-come, first-served.

Register for Disability Voting Webinar

Please submit accommodation requests to mail@dlc-ma.org.

## All about Adult Family Care

Thursday, October 24, 2024, 10:00 to 11:00 a.m.

#### Presenters:

- George Fleischner, President / CEO, Nonotuck Resource **Associates**
- Sindelle Robles, Vice President, Nonotuck Resource Associates Adult family care is a program that provides in-home support for individuals who need assistance with daily living activities. It offers a home-like setting, often within a family's home, rather than a traditional institutional setting like a nursing home.

## Key features of adult family care:

- Home-like environment: Individuals live with a caregiver in a family setting, providing a more personalized and comfortable experience.
- Personalized care: Caregivers tailor their support to meet the specific needs of each individual, ensuring they receive the appropriate level of assistance.
- Community-based: Adult family care allows individuals to remain in their communities, maintaining connections with friends and
- Financial support: In many cases, programs provide financial assistance to caregivers to help offset the costs of providing

#### Individuals who may benefit from adult family care include:

- Adults with disabilities
- Seniors who require assistance with daily living activities
- Individuals who are recovering from illness or injury

Permanent Commission on the Status of Persons with Disabilities **Events** 

Annual National Disability Employment Awareness Month Celebration

Wednesday, October 23, 2024

Hall of Flags, State House

#### Schedule of Events

11:00 a.m. to 12:00 p.m.

"Accessible Democracy: Every Vote Counts"

12:30 p.m. to 2:00 p.m.

Main Celebratory Event

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2:30 p.m. to 3:30 p.m.

"Inclusion in Action: Bridging Gaps in Disability Employment" This event will bring together a diverse group of participants, including people with disabilities, policymakers, employers, human services providers, and other key stakeholders. This year, the Commission is thrilled to broaden its focus to include both employment and the important issue of voting rights for people with disabilities. In addition to the main event, the Commission will host two significant sessions: a voting rights panel titled, "Accessible Democracy: Every Vote Counts," and a fireside chat titled, "Inclusion in Action: Bridging Gaps in Disability Employment." The voting rights panel will explore the challenges and solutions related to ensuring accessible and equitable voting for people with disabilities. The fireside chat will feature hiring managers and employees with disabilities discussing their experiences. best practices, and strategies for fostering inclusive workplaces. By convening these important discussions, the Commission aims to promote greater awareness and drive actionable change in both employment and voting accessibility for the disability community. The event will also be broadcast live via Zoom. (Zoom link for the event)

## Opportunity for Public Comment

## Office of Attorney General Andrea Campbell

Attorney General's Office Seeks Community Feedback To Inform Drafting Of Assisted Living Residences Regulations

#### To submit comments:

https://massgov.formstack.com/forms/community\_feedback\_on\_a go\_assisted\_living\_residences

The Massachusetts Attorney General's Office (AGO) is seeking public feedback to inform drafting consumer protection regulations for assisted living residences in Massachusetts. Members of the public can provide comments to the AGO through an online form, available here. Through regulation, the AGO seeks to protect residents of assisted living residences from unfair and deceptive acts and practices, including misrepresentation of available services, improper fees, and unlawful evictions. The aging population served by these facilities would benefit greatly from stronger consumer protections in all of these areas, and owners and operators will benefit from greater specificity regarding their legal obligations. At this time, Massachusetts does not have consumer protection regulations specific to assisted living residences. "We know the best way to serve our constituents is by listening to them." said Attorney General Andrea Joy Campbell. "Every resident of an assisted living facility has the right to live in a safe and habitable environment, free from abuse, neglect, and exploitation. Our older adults deserve to age safely with dignity and respect, which is why creating consumer protection regulations for assisted living facilities is so important and responsive to their advocacy." Assisted living residences are designed for older adults who can live independently in a home-like environment, but may need help with daily activities like housekeeping, bathing, or medication assistance.

According to the Executive Office of Elder Affairs, more than 17,000 people currently live in these residences in Massachusetts and have various options available to them. It is critical that consumers know what to expect when choosing an assisted living residence as their home.

Chapter 93A, the consumer protection statute, authorizes the Attorney

General to promulgate regulations to protect consumers. These

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regulations can require that facilities make certain disclosures about their contractual terms, and they also can declare certain acts and practices to be unlawful.

Those who wish to provide feedback on the creation of regulations can do so through an online form, which can be found here.

The AGO will use this feedback to inform draft regulations and will then proceed to promulgate regulations, a process which will include the publication of proposed regulations, a public hearing, and opportunities for the public to comment on the proposed regulations.

This project is being handled by Director Mary Freeley and Deputy Director Valerie Frias of the AGO's <u>Elder Justice Unit</u>. AG Campbell created the Unit in August 2023 to protect and promote the safety and well-being of elders through enforcement actions, legislative advocacy, and community engagement and education.

## Statements of Support:

Acting Secretary Robin Lipson, Executive Office of Elder Affairs: "We thank Attorney General Andrea Joy Campbell and her team for their dedication to protecting residents in assisted living. The demographics of these residents continues to evolve – they are now older, with more complex needs, and it is essential that we ensure these individuals are informed and protected as they navigate their living options. Elder Affairs looks forward to working with the Attorney General's Office as the team explores ways to address assisted living residence consumer issues."

Former Senator Richard Moore, Co-Founder of Dignity Alliance and Member of the Leadership Council of the National Consumer Voice for Quality Long-Term Care: "Protecting older adults in assisted living facilities from financial, or other forms of abuse, is an important goal for Dignity Alliance. Attorney General Campbell deserves high praise for taking action to expand consumer protections to this vulnerable population. And since October is designated as "Residents' Rights Month," it's a great time to launch the development of this vital effort." John Ford, Northeast Justice Center and Dignity Alliance: "The Attorney General's concern for the residents of more than 250 Assisted Living Residences in Massachusetts echoes the concerns of many residents, their loved ones and their advocates. Their advocates in particular know the value and scope of the protections afforded by regulations issued pursuant to the Consumer Protection Act (chapter 93A), which give weight and specificity as to what would be an unfair act or practice. We applaud the Attorney General's commitment to the growing numbers of consumers who will be protected by the regulations."

Kathleen Lynch Moncata and Liane Zeitz, Mass. Chapter of the National Academy of Elder Law Attorneys: "Massachusetts has a long history of pioneering consumer protections for vulnerable populations such as nursing home residents and tenants and we welcome comparable protections for consumers of assisted living residences (ALRs). ALR residents currently have little legal recourse when they do not receive the quality of care they've contracted for or when their rights are violated. We support Attorney General Campbell's efforts to provide increased protections for this vulnerable population."

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#### To submit comments:

https://massgov.formstack.com/forms/community\_feedback\_on\_a go\_assisted\_living\_residences

## Federal Emergency Management Agency (FEMA)

National Disaster Recovery Framework Public Comment Period

Comments due Wednesday, October 23, 2024

The Federal Emergency Management Agency (FEMA) is requesting public comments on its <u>National Disaster Recovery Framework</u>, which explains the federal government's roles and responsibilities for organizing and deploying disaster recovery assistance. It also enhances effective collaboration among federal agencies; state, local, and territorial governments; and tribal nations, while informing nongovernmental partners.

Individuals wishing to comment on the document should download the comment matrix, complete it, and return it through the blue "Submit Comments" button on the comment period webpage. This will open an email to fema-recovery-icd-pdb@fema.dhs.gov; attach the matrix and use "NDRF V3 Public Comment Feedback" as the subject line. Comments submitted outside of the matrix and after the deadline will not be considered

### **Executive Office of Veterans Services**

Friday, October 25, 2024, 10:00 a.m. to 12:00 p.m.

Remote public hearing on proposed regulations on psychiatric care.

The regulations build upon the HERO Act, which calls for EOVS to reimburse mental health treatment.

More Info and Access

## DignityMA Asks the Candidates

To inform older adults, persons with disabilities, family members, and caregivers about legislative candidates' positions on issues of interest, Dignity Alliance Massachusetts (DignityMA) has prepared <a href="https://doi.org/10.250/2016/2016-10.250/2016-10.

Questionnaires have been distributed to all **candidates who have competitive general election contests**. Questionnaires will be distributed to candidates with opposition later in September.

Candidate responses will be posted on the DignityMA website. *Election Day is Tuesday, November 5<sup>th</sup>.* 

Responses received (click on the name to view responses):

Candidate District Website

<u>Damian Anketell</u> Sen: 2<sup>nd</sup> Essex <u>Anketell website</u>

Michelle Badger Rep: 1st Plymouth Badger website

Sharon Cintolo Rep: 2nd Norfolk Cintolo Website

Susanne H. Conley George Ferdinand Rep: 2<sup>nd</sup> Barnstable www.CapeCodConley.com Ferdinand Facebook

<u>Carmine Gentile</u>

Rep. 19th Middlesex

Ferdinand Facebook

Flanagan Website

Gentile Website

Patricia Haddad Rep: 5<sup>th</sup> Bristol

Patricia JehlenSen: 2nd MiddlesexJehlen WebsiteEric MeschinoRep: 12th PlymouthMeschino WebsiteSteven J. OuelletteRep: 8th BristolOuellette Facebook

Jerry Parisella Rep: 6<sup>Th</sup> Essex Parisella Facebook

Guide to news items in this week's *Dignity Digest* 

**Long-Term Care Public Policy** 

**Nursing Homes** 

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<u>'Discovered authority' for nursing home staffing rule can't stand: latest AHCA legal challenge</u> (McKnights Long-Term Care News, October 21, 2024)

**Behavioral Health** 

Medicaid

**Health Care** 

<u>Helene and CVS Land Double Whammy for 25,000 Patients Who</u> <u>Survive on IV Nutrition</u> (**KFF Health News**, October 18, 2024)

### **Disability Topics**

ACL Announces Supplemental Funding That Connects Its Programs
Through the Bridging Aging and Disability Networks Grant

(Administration on Community Living, October 21, 2024)

#### Election 2024

<u>Are women over 50 the critical voter group no one is talking about?</u> (The 19<sup>th,</sup> October 17, 2024)

## From around the Country

<u>Some NC nursing homes still without water, 3 weeks after Hurricane</u> <u>Helene</u> (MSN.com, October 21, 2024)

Nursing home permanently closing, residents and workers fighting to keep jobs and homes (MSN.com, October 16, 2024)

#### **Public Sessions**

**Executive Office of Health and Human Services,** Friday, November 1, 2024, 10:00 a.m., <u>Standard Payments to Nursing Facilities</u>, <u>Public Hearing</u>

## Accessibility and Voter Rights

Sign Up to receive emails. Stay educated on your rights, and on the Issues, Candidates and Ballot Questions in Massachusetts!

### **Rev Up Massachusetts**

REV UP – Register! Educate! Vote! Use your Power!

https://revupma.org/wp/

Learn more about the issues, and how you can help advance the disability agenda at our 2024 Disability Voting Rights Week post.

## 2024 Election Calendar

Visit the Secretary of State's Upcoming Elections page.

- November 5 Election Day
  - o October 19 First day of in-person early voting for state election
  - October 26 Last day to register to vote for state election
  - October 29 5:00 p.m. Deadline to apply for mail-in ballot for state election
  - November 1 last day of in-person early voting for state election

## Webinars and Online Sessions

1. Boston Mayor's Commission for Persons with Disabilities Wednesday, October 23, 2024, 5:30 p.m.

Webinar about finding accessible and affordable housing

Finding housing can be incredibly difficult. This webinar will include information on accessible housing — what features are included in "accessible" or "ADA" housing units including mobility or sensory units. It will also include information about how to search for accessible and affordable housing and how housing "lotteries" work.

Register for the event

2. Autism Commission

Thursday, October 24, 2024, 2:00 p.m. - 3:30 p.m.

Quarterly meeting

More Info

3. SCIboston

Saturday, November 16, 2024, 11:00 a.m. to12:30 p.m. SCIboston's Saturday Education Series Adaptive Sports, Fitness, and Recreation Programs Join us to learn about adaptive sports, fitness, and recreation opportunities in the Greater Boston Area. You will hear from representatives from Spaulding Adaptive Sports, The Kelly Brush Foundation, Waypoint Adventures, and Oak Square YMCA. Find out what is available and how you can get involved! Q & A to follow. Join Zoom Meeting: https://us02web.zoom.us/j/83675304419?pwd=dy9QZFdrWjZVdHIKcllydzlt U3pRUT09 Meeting ID: 836 7530 4419 Passcode: 730377 Dial In: 929-205-6099 Previously posted Previously posted webinars and online sessions can be viewed at: webinars and online https://dignityalliancema.org/webinars-and-online-sessions/ sessions **McKnights Long-Term Care News Nursing Homes** October 21, 2024 'Discovered authority' for nursing home staffing rule can't stand: latest AHCA legal challenge By Kimberly Marselas The American Health Care Association, LeadingAge, and other plaintiffs are challenging a national nursing home staffing rule in federal court. They argue that the Centers for Medicare & Medicaid Services (CMS) does not have the authority to impose overall hourly nurse requirements or increase existing registered nurse coverage. The plaintiffs say that CMS has failed to show that Congress granted the agency the authority to enact these sweeping new mandates. They argue that general rulemaking provisions do not allow agencies to "promote their own policy du jour over the policy choices that Congress enacted into federal law." The plaintiffs are asking the court to rule that the 24/7 RN requirement and all three hourly requirements in the nursing home staffing rule exceed CMS' statutory authority and issue an order vacating those requirements. They argue that Congress has "explicitly and repeatedly" addressed staffing levels for nursing homes using a consistent approach. The state of Texas has also filed a lawsuit challenging the final rule under the Administrative Procedures Act, arguing it is arbitrary and capricious. The court has agreed to consolidate the cases. The plaintiffs argue that the nursing home mandate will create "artificial" demand" and make compliance "practically impossible in many parts of the country." They also argue that the mandate will have a disproportionate impact on smaller, rural facilities. The plaintiffs point to a recent ruling from the Fifth Circuit Court of Appeals that found the so-called major questions doctrine applies when an agency "claims the power to resolve a matter of great political significance." They argue that this doctrine applies to the case because nationwide nursinghome-staffing requirements have been a hotly debated political issue for more than half a century. The plaintiffs also argue that the major questions doctrine is "independently trigger[ed] when 'an agency seeks to ... require billions of dollars in

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	spending by private persons or entities,' as the Final Rule unquestionably does." They argue that CMS therefore must identify clear congressional authorization for its onerous new mandates, which CMS comes nowhere
	close to doing.
	HHS and CMS have until Nov. 15 to file a cross-motion for summary
	judgment. Both sides can reply to each other's motions, with the final
	response due by mid-January and a ruling possible any time after that.
Health Care	5. KFF Health News
	October 18, 2024
	Helene and CVS Land Double Whammy for 25,000 Patients Who Survive
	on IV Nutrition
	By Arthur Allen
	The severe intestinal problems of Lisa Trumble, a patient at Berkshire
	Medical Center in Pittsfield, Massachusetts, require IV nutrition. On October
	8, 2024, CVS announced that her home nutrition would be discontinued,
	forcing her to stay in the hospital. This was due to a hurricane that wrecked a factory in North Carolina, disrupting the production of IV fluids.
	Trumble is one of 25,000 U.S. patients who depend on parenteral nutrition
	(PN) for survival. The hurricane led to a shortage of IV fluids, and CVS's
	Coram division announced its exit from the PN and IV antibiotics business.
	This caused rationing of supplies and made it difficult for other infusion
	pharmacies to take on new patients.
	Many patients were unable to be discharged from hospitals due to the lack
	of infusion companies. The FDA allowed emergency imports of IV fluids and
	production by U.S. compounding pharmacies, but it is unclear how long it
	will take to replenish supplies.
	Patients who rely on PN have various conditions that prevent them from
	digesting food. They require specialized infusion medicine, which has become increasingly challenging for companies. CVS recently announced
	layoffs and a possible restructuring.
	While CVS is working to resolve the situation, finding new suppliers for IV
	materials is difficult for patients. Coram's departure has exacerbated the
	crisis, and many patients are struggling to find alternative supplies.
	The hurricane also impacted other medical supplies, such as saline solution
	and sterile water. The federal government helped truck supplies to safe
	locations, but production was still disrupted.
	The FDA has allowed Baxter to import emergency supplies from other
	countries, and the military is flying in supplies from overseas. Premier has
	also asked the FDA to put additional PN ingredients on its shortage list.
	Patients who rely on PN face significant risks if they cannot get their
	supplies. They may experience dizziness, nausea, seizures, or coma. The
	situation is critical, and more efforts are needed to address the shortage of
Disability Topics	IV fluids and ensure patients receive the necessary care.  6. Administration on Community Living
Disability Topics	6. Administration on Community Living October 21, 2024
	ACL Announces Supplemental Funding That Connects Its Programs
	Through the Bridging Aging and Disability Networks Grant
	ACL's Administration on Aging collaborated with its Administration on
	Disabilities to provide a \$202,000 funding supplement from the Older
	Americans Act to the Bridging Aging and Disability Networks grant. This
	grant has been awarded to the National Association of Councils on
	Developmental Disabilities, which is partnering with the Institute on
	Disability and Human Development at the University of Illinois-Chicago; the

 Lurie Institute for Disability Policy at Brandeis University; The Arc; and USAging, the national association representing and supporting the network of area agencies on aging (AAAs) and Title VI Native American aging programs.

The goal of the grant is to strengthen collaboration between aging and disability networks to better support individuals with intellectual and developmental disabilities and their family caregivers in planning for the future. The supplemental funding will be used to provide additional support to enhance the work of the 17 teams focused on building capacity across and within their states' aging and disability networks.

#### Election 2024

#### 7. The 19<sup>th</sup>

October 17, 2024

<u>Are women over 50 the critical voter group no one is talking about?</u>
By Amanda Becker

Women over 50 are high-propensity voters — <u>voter turnout rates increase</u> <u>with age</u> and women vote at higher rates than men. So, in the final weeks ahead of an election, while campaigns focus on turning out other demographic groups <u>at risk of staying home</u>, like <u>Gen Z voters or Black men</u>, for women over 50, it's still about persuasion. And they have expressed openness to it: AARP polling shows that this year, women over 50 have moved more than any other group of voters, including younger women and men in the same age bracket. And they moved in Harris' favor.

.

Women over 50 are "very uncertain about their long-term economic future," the polling showed. While 57 percent have enough savings to cover a \$500 emergency expense, only 38 percent could cover three months of expenses if they lost their income. Sixty-two percent of women over 50 said they do not feel the economy is "working well for them personally." Women over 50 are more likely than men to feel that they are less financially secure than they expected at this stage in life. More than six in 10 women said that they are "much less secure" or "somewhat less secure" than what they anticipated compared to 53 percent of men. Latinas were the least likely to say they were "about where expected" to be financially compared to White or Black women. Women's economic concerns were driven in part by the reality that 44 percent of those surveyed did not have a retirement savings account or a pension.

### From around the Country

#### . MSN.com

October 21, 2024

Some NC nursing homes still without water, 3 weeks after Hurricane Helene More than three weeks ago, Hurricane Helene knocked out the power and running water at James Greene's nursing home in Asheville, North Carolina. Today, Greene, 84, and his fellow residents at Brooks-Howell Home still do not have regular access to safe, running water for their daily activities. "For two weeks we've been unable to shower or wash hands," Greene wrote in a letter to family and friends, which was shared with ABC News. "Maintaining hygiene with hand sanitizers is a constant must." "Another example is having to pour a bucket of water into the tank of the toilet in order to flush. And keep in mind that our residents are old and not used to such physical activity," wrote Greene.

#### 9. MSN.com

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<u>Nursing home permanently closing, residents and workers fighting to keep jobs and homes</u>

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	By Hector Molina and Zoe Strothers				
	It's a race against time to keep a nursing home in Waterbury from				
	permanently closing.				
	Residents and workers of the Abbott Terrace Medical Center are fight				
	keep their jobs and homes.				
	Ann Galloway's brother is one of the 180 residents who call Abbott Terrace				
	home.				
	"I'm there every Sunday visiting my brother," Galloway said.				
	But with his nursing home's imminent closure, Ann's brother is being				
	relocated to a different facility in Torrington				
	The nursing home lost federal funding last month due to failure to meet				
	health and safety requirements and won't be able to stay open.				
Public Sessions	10. Executive Office of Health and Human Services				
	Friday, November 1, 2024, 10:00 a.m.,				
0	Standard Payments to Nursing Facilities, Public Hearing				
Support Dignity	Dignity Alliance Massachusetts is a grassroots, volunteer-run 501(c)(3)				
Alliance	organization dedicated to transformative change to ensure the dignity of				
Massachusetts	older adults, people with disabilities, and their caregivers. We are				
	committed to advancing ways of providing long-term services, support,				
Please Donate!	living options and care that respect individual choice and self-				
	determination. Through education, legislation, regulatory reform, and				
	legal strategies, this mission will become reality throughout the				
	Commonwealth.				
	As a fully volunteer operation, our financial needs are modest, but also real. Your donation helps to produce and distribute <i>The Dignity Digest</i> weekly free of charge to almost 1,000 recipients and maintain our website, <a href="www.DignityAllianceMA.org">www.DignityAllianceMA.org</a> , which has thousands of visits each month.				
	Consider a donation in memory or honor of someone.  Names of those recognized will be included in The Dignity Digest and posted on the website.				
	https://dignityalliancema.org/donate/				
	Thank you for your consideration!				
Dignity Alliance	Information about the legislative bills which have been endorsed by Dignity				
Massachusetts	Alliance Massachusetts, including the text of the bills, can be viewed at:				
Legislative	https://tinyurl.com/DignityLegislativeEndorsements				
Endorsements	Questions or comments can be directed to Legislative Work Group Chair				
	Richard (Dick) Moore at rmoore8473@charter.net.				
Websites					
Blogs					
Blogs Podcasts	Richard (Dick) Moore at rmoore8473@charter.net.				
Blogs Podcasts Previously	Richard (Dick) Moore at <a href="mailto:rmoore8473@charter.net">rmoore8473@charter.net</a> .  The comprehensive list of recommended websites has migrated to the Dignity				
Blogs Podcasts	Richard (Dick) Moore at rmoore8473@charter.net.				
Blogs Podcasts Previously recommended websites	Richard (Dick) Moore at <a href="mailto:rmoore8473@charter.net">rmoore8473@charter.net</a> .  The comprehensive list of recommended websites has migrated to the Dignity Alliance MA website: <a href="https://dignityalliancema.org/resources/">https://dignityalliancema.org/resources/</a> . Only new recommendations will be listed in The Dignity Digest.				
Blogs Podcasts Previously	Richard (Dick) Moore at <a href="mailto:rmoore8473@charter.net">rmoore8473@charter.net</a> .  The comprehensive list of recommended websites has migrated to the Dignity Alliance MA website: <a href="https://dignityalliancema.org/resources/">https://dignityalliancema.org/resources/</a> . Only new				

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Websites of Dignity	See: https://dignityalliancema.org/about/organizations/			
Alliance Massachusetts	The state of the s			
Members				
Contact information for	Nursing home	Department of Public Health		
reporting complaints and		Print and complete the		
concerns		Consumer/Resident/Patient Complaint Form		
		2. Fax completed form to (617) 753-8165		
		Or		
		Mail to 67 Forest Street, Marlborough, MA 01752		
		Ombudsman Program		
Money Follows the Person	MassHealth			
	Money Follows the Person			
	The Money Follows the Person (MFP) Demonstration helps older adults			
	and people with disabilities move from nursing facilities, chronic			
	disease or re	habilitation hospitals, or other qualified facilities back to		
	the communi			
		of September 27, 2024:		
		nrolled, most in nursing facilities		
	173 people transitioned out of nursing facilities			
	10 people through the cycle since 2023, off the program, living			
	independently in the community.			
	38 people approved for AHVP ( <u>Alternative Housing Voucher Program</u> )			
	nursing home vouchers, 14 currently in use			
		e, 1.34 MB, MFP Demonstration Brochure		
		stration Brochure - Accessible Version		
		stration Fact Sheet stration Fact Sheet - Accessible Version		
Determination of Need				
(Pending proposals)		tment of Public Health		
(i cliding proposals)		onservation Long Term Care Project		
	facility, locate	s a thirty-eight (38) bed Medicare certified skilled nursing		
	, ,			
		a phased renovation of the third floor Skilled Nursing Facility		
		The facility has twenty-five (25) total bedrooms accommodating		
	up to thirty-eight (38) residents. At present, all twenty-five (25) bedrooms			
		nd sink with only one of the twenty-five (25) bedrooms having		
	its own shower (the Special Care Isolation Bedroom). The other patients are			
	currently transported to the Tub/Shower Room resulting in patients having to			
	wait to receive a shower when the room is not occupied.			
	Upon completion of the phased renovation, the facility will provide skilled			
		n seventeen (17) Private Bedrooms and three (3) Semi-Private		
		e Semi-Private Bedrooms will be able to accommodate two		
	residents or allow for a couple to remain together as they age through the			
		Care. The twenty (20) total bedrooms accommodate twenty-		
		nsed beds with each bedroom having a full bathroom including		
	toilet, sink, and shower. A select number of rooms will also be outfitted with			
		actural blocking within the ceilings to accommodate Hoyer lifts		
	in the future if they are needed. The tub room will be relocated to the lower			
	level within the same building and located directly off the elevator. Service			
	spaces will include a nursing station and two charting stations, a			
		gym, dining space with nourishment kitchen, clean linen, clean		
	utility room, n	nedication room, oxygen storage, general storage, and public		

bathrooms. A new Linen Chute will be integrated into the building from the third floor emptying into a new Soiled Linen Room located in the lower level. The chute will alleviate the need for soiled linen closets to be located on the unit and will assist with infection prevention. The feel of the existing facility is reminiscent of a hospital setting as was typical of most skilled nursing facilities when Lasell House was constructed. One of the goals of this renovation, and one that is tied to Lasell's overall desire to improve the culture is to create a more homelike and welcoming feel within the facility. To achieve this goal, the new design does not include a central nurse's station and instead locates nurses and charting stations directly off the corridors so that they are easily accessible and able to monitor patients without being in the main circulation space. While finished materials still need to be durable and meet the fire rated standards for a skilled nursing facility, the design team will choose warm and inviting materials that would feel more like a home setting. Patient bedrooms will have new beds, bedside cabinets, bureaus, chairs, and window treatments as part of the renovation. Common areas will have new furniture, tables, and other accessories. Regarding building systems, the existing main mechanical, electrical, and plumbing infrastructure will remain, and the new design will connect to these existing systems. Improvements for patient comfort will be made by providing each bedroom with its own thermostat to independently control heating and cooling as currently two bedrooms share a single thermostat control. Additionally, the existing windows on the third floor will be replaced with new high-performing energy efficient windows. The roof on the building will be replaced as it is past its useful life. The Maximum Capital Expenditure (MCE) for the project is \$6,703,239.35. **Application Documents** Application (PDF) | (DOCX) Capital Costs (XLSX) Affiliated Parties (PDF) | (DOCX) Change in Service (PDF) | (DOCX) CPA Report (PDF) | (DOCX) Attachments (PDF) | (DOCX) **Nursing Home Closures Massachusetts Department of Public Health** (pending) Highview of Northampton Closure date: February 6, 2025 Public hearing date: Pending Notice of Intent to Close (PDF) | (DOCX) Massachusetts Nursing Home Survey Performance Tool and the CMS Nursing Home Compare website. **Massachusetts Department of Public Health Nursing Home Closures** Marion Manor, South Boston Closure date: September 11, 2024 Bridgewater Nursing & Rehab, Bridgewater Closure date: May 24, 2024 Savoy Nursing and Rehabilitation Center, New Bedford Closure date: April 3, 2024 New England Sinai Hospital Transitional Care Unit Closure date: April 2, 2024 South Dennis Health Care, Dennis Closure date: January 30, 2024

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	Arnold House Nursing Home, Stoneham Closure date: September 22, 2023  Willimansett East, Chicopee Closure date: June 6, 2023  Willimansett West, Chicopee Closure date: June 6, 2023  Chapin Center Springfield Closure date: June 6, 2023  Governors Center, Westfield Closure date: June 6, 2023  Emerson Rehabilitation and Transitional Care Unit Closure date: May 17, 2023  Stonehedge Rehabilitation and Skilled Care Center, West Roxbury Closure date: February 10, 2022  Heathwood Healthcare, Newton Closure date: January 5, 2022  Mt. Ida Rest Home, Newton Closure date: December 31, 2021  Wingate at Chestnut Hill, Newton, MA Closure date: October 1, 2021  Halcyon House, Methuen Closure date: July 16, 2021  Agawam HealthCare, Agawam Closure date: July 27, 2021  Wareham HealthCare, Wareham Closure date: July 28, 2021  Town & Country Health Care Center, Lowell
Nursing homes with admission freezes	Closure date: July 31, 2021  Massachusetts Department of Public Health  Highview of Northampton
Admission freezes  Massachusetts Department of Public Health Determination of Need Projects	Massachusetts Department of Public Health Determination of Need Projects: Long Term Care 2023 Navigator Homes of Martha's Vineyard, Inc. – Long Term Care Substantial Capital Expenditure Royal Wayland Nursing Home, LLC – Conservation Long Term Care Project 2022 Ascentria Care Alliance – Laurel Ridge Ascentria Care Alliance – Lutheran Housing Ascentria Care Alliance – Quaboag Berkshire Healthcare Systems, Inc. – Windsor Long Term Care Conservation Fairlawn Rehabilitation Hospital-Hospital/Clinic Substantial Capital Expenditure Long Term Centers of Lexington – Pine Knoll – Long Term Care Conservation Long Term Centers of Wrentham – Serenity Hill – Long Term Care Conservation Next Step Healthcare LLC-Conservation Long Term Care Project

 Royal Falmouth - Conservation Long Term Care
Royal Norwell - Long Term Care Conservation
Wellman Healthcare Group, Inc

#### 2020

**Advocate Healthcare, LLC Amendment** 

Campion Health & Wellness, Inc. – LTC - Substantial Change in Service Heywood Healthcare, Inc. – Hospital/Clinic Substantial Capital Expenditure Notre Dame Health Care Center, Inc. – LTC Conservation 2020

Advocate Healthcare of East Boston, LLC. Belmont Manor Nursing Home, Inc.

## List of Special Focus Facilities

## **Centers for Medicare and Medicaid Services**

List of Special Focus Facilities and Candidates <a href="https://tinyurl.com/SpeciialFocusFacilityProgram">https://tinyurl.com/SpeciialFocusFacilityProgram</a>

## Updated April 24, 2024

CMS has published a new list of <u>Special Focus Facilities</u> (SFF). SFFs are nursing homes with serious quality issues based on a calculation of deficiencies cited during inspections and the scope and severity level of those citations. CMS publicly discloses the names of the facilities chosen to participate in this program and candidate nursing homes.

To be considered for the SFF program, a facility must have a history (at least 3 years) of serious quality issues. These nursing facilities generally have more deficiencies than the average facility, and more serious problems such as harm or injury to residents. Special Focus Facilities have more frequent surveys and are subject to progressive enforcement until it either graduates from the program or is terminated from Medicare and/or Medicaid.

This is important information for consumers – particularly as they consider a nursing home.

### What can advocates do with this information?

- Include the list of facilities in your area/state when providing information to consumers who are looking for a nursing home. Include an explanation of the SFF program and the candidate list.
- Post the list on your program's/organization's website (along with the explanation noted above).
- Encourage current residents and families to check the list to see if their facility is included.
- Urge residents and families in a candidate facility to ask the administrator what is being done to improve care.
- Suggest that resident and family councils invite the administrator to a council meeting to talk about what the facility is doing to improve care, ask for ongoing updates, and share any council concerns.
- For long-term care ombudsmen representatives: Meet with the administrator to discuss what the facility is doing to address problems and share any resources that might be helpful.

## Massachusetts facilities listed (updated ) Newly added to the listing

- Somerset Ridge Center, Somerset
   https://somersetridgerehab.com/
   Nursing home inspect information:
   https://projects.propublica.org/nursing-homes/homes/h-225747
- South Dennis Healthcare https://www.nextstephc.com/southdennis

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October 22, 2024

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225320

## Massachusetts facilities not improved

None

## Massachusetts facilities which showed improvement

 Marlborough Hills Rehabilitation and Health Care Center, Marlborough <a href="https://tinyurl.com/MarlboroughHills">https://tinyurl.com/MarlboroughHills</a>

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225063

## Massachusetts facilities which have graduated from the program

 The Oxford Rehabilitation & Health Care Center, Haverhill https://theoxfordrehabhealth.com/

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225218

 Worcester Rehabilitation and Health Care Center, Worcester https://worcesterrehabcare.com/

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225199

## Massachusetts facilities that are candidates for listing (months on list)

AdviniaCare Newburyport (3)

https://www.adviniacare.com/adviniacare-country-center/ Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225332

• Charwell House Health and Rehabilitation, Norwood (27) https://tinyurl.com/Charwell

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225208

• Fall River Healthcare (9)

https://www.nextstephc.com/fallriver

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225723/

Glen Ridge Nursing Care Center, Medford (13)

https://www.genesishcc.com/glenridge

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225523

Mill Town Health and Rehabilitation, Amesbury (26)
 No website

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225318

 Parkway Health and Rehabilitation Center, West Roxbury (7) <a href="https://www.bearmountainhc.com/locations/parkway-health-rehabilitation-center/">https://www.bearmountainhc.com/locations/parkway-health-rehabilitation-center/</a>

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225497

 Pioneer Valley Health & Rehabilitation Center, South Hadley (24) https://pioneervalleyhealth.com/

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225757

 Plymouth Harborside Healthcare (4) https://www.nextstephc.com/plymouth

Nursing home inspect information:

https://projects.propublica.org/nursing-homes/homes/h-225284/

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Plymouth Rehabilitation and Health Care Center (22) https://plymouthrehab.com/ Nursing home inspect information: https://projects.propublica.org/nursing-homes/homes/h-225207 Royal Norwell Nursing & Rehabilitation Center (4) https://norwell.royalhealthgroup.com/ Nursing home inspect information: https://projects.propublica.org/nursing-homes/homes/h-225482/ Massachusetts Facilities that have graduated from the program Marlborough Hills Rehabilitation & Health Care Center, Marlborough https://marlboroughhillsrehab.com/ Nursing home inspect information: https://projects.propublica.org/nursing-homes/homes/h-225063/ Oxford Rehabilitation & Health Care Center, Haverhill https://theoxfordrehabhealth.com/ Nursing home inspect information: https://projects.propublica.org/nursing-homes/homes/h-225218/ No longer operating South Dennis Healthcare, South Dennis https://tinyurl.com/SpeciialFocusFacilityProgram **ProPublica** Nursing Home Inspect **Nursing Home Inspect** Data updated April 24, 2024 This app uses data from the U.S. Centers for Medicare and Medicaid Services. Fines are listed for the past three years if a home has made partial or full payment (fines under appeal are not included). Information on deficiencies comes from a home's last three inspection cycles, or roughly three years in total. The number of COVID-19 cases is since May 8, 2020, when homes were required to begin reporting this information to the federal government (some homes may have included data on earlier cases). Massachusetts listing: https://projects.propublica.org/nursing-homes/state/MA **Deficiencies By Severity in Massachusetts** (What do the severity ratings mean?) # Deficiencies in # Facilities MA facilities cited **Deficiency Tag** В 198 284 Tag B С 108 85 Tag C D 7.496 Tag D 1,469 Ε Tag E 1,965 788 F 656 317 Tag F G 568 384 Tag G Н 44 33 Tag H 3 2 Tag I 57 27 J Tag J Κ 8 5 Tag K 2 Tag L Updated April 24, 2024 **Centers for Medicare and Medicaid Services (CMS) Nursing Home Compare** Nursing Home Compare Website Beginning January 26, 2022, the Centers for Medicare and Medicaid Services (CMS) is posting new information that will help consumers have a

Data on Ownership of	facilities. This information wil  Staff turnover: of administrator past 12-month p  Weekend staff registered nurse Posting this information which was passed if weekends, often meall the care they neek know the residents, methods of providing residents receive an https://tinyurl.com/N	I be posted for each The percentage of swho have stopped period.  The level of week at a nursing horetion was required in 2010. In many face aning residents have a High turnover recognize changeing care. All of this of their quality of lighteringHomeComp	<u>pareWebsite</u>		
Data on Ownership of	Centers for Medicare and Medicaid Services				
Nursing Homes  DignityMA Call Action	Data on Ownership of Nursing Homes  CMS has released data giving state licensing officials, state and federal law enforcement, researchers, and the public an enhanced ability to identify common owners of nursing homes across nursing home locations. This information can be linked to other data sources to identify the performance of facilities under common ownership, such as owners affiliated with multiple nursing homes with a record of poor performance. The data is available on nursing home ownership will be posted to <a href="data.cms.gov">data.cms.gov</a> and updated monthly.  The MA Senate released a report in response to COVID-19. <b>Download the</b>				
			ng the Future of MA.		
	Advocate for state     Mission and Goals		the Dignity Alliance Massachusetts' e Endorsements.		
	Support relevant b		- Federal Legislative		
	Endorsements				
	Join our Work Groups.     Learn to use and leverage social media at our workshops: Engaging.				
	Learn to use and leverage social media at our workshops: Engaging     Everyone: Creating Accessible, Powerful Social Media Content				
Access to Dignity	Email: info@DignityAllianceMA.org				
Alliance social media	Facebook: <a href="https://www.facebook.com/DignityAllianceMA/">https://www.facebook.com/DignityAllianceMA/</a> Instagram: <a href="https://www.instagram.com/dignityalliance/">https://www.instagram.com/dignityalliance/</a>				
	LinkedIn: https://www.linkedin.com/company/dignity-alliance-massachusetts				
	Twitter: https://twitter.com/dignity_ma?s=21				
Participation	Website: www.DignityA Workgroup	Workgroup lead	Email		
opportunities with	General Membership	Bill Henning	bhenning@bostoncil.org		
Dignity Alliance	'	Paul Lanzikos	paul.lanzikos@gmail.com		
Massachusetts	Assisted Living	John Ford	jford@njc-ma.org		
	Behavioral Health	Frank Baskin	baskinfrank19@gmail.com		
Most workgroups meet	Communications	Lachlan Forrow	Iforrow@bidmc.harvard.edu		
bi-weekly via Zoom.	Facilities (Nursing homes and rest homes)	Jim Lomastro Arlene Germain	<u>jimlomastro@comcast.net</u> <u>agermain@manhr.org</u>		
	,				

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	Tionic and	ivieg Comm	incomm@centenw.org		
	Community Based				
	Services				
	Legislative	Richard Moore	rmoore8743@charter.net		
	Legal Issues	Stephen	sschwartz@cpr-ma.org		
		Schwartz			
Interest Groups meet	Interest Group	Group lead	Email		
periodically (monthly, bi-	Housing	Bill Henning	bhenning@bostoncil.org		
monthly, or quarterly).	Veteran Services	James Lomastro	jimlomastro@comcast.net		
]	Transportation	Frank Baskin	baskinfrank19@gmail.com		
Please contact group		Chris Hoeh	cdhoeh@gmail.com		
lead for more	Covid / Long Covid	James Lomastro	jimlomastro@comcast.net		
information.	Incarcerated Persons	TBD	info@DignityAllianceMA.org		
Bringing People Home:	Website: https://marsters.centerforpublicrep.org/				
Implementing the	Center for Public Representation				
Marsters class action	5 Ferry Street, #314, Easthampton, MA 01027				
settlement	413-586-6024, Press 2				
	bringingpeoplehome@cpr-ma.org				
	Newsletter registration: https://marsters.centerforpublicrep.org/7b3c2				
REV UP	REV UP Massachusetts advocates for the fair and civic inclusion of people				
Massachusetts	with disabilities in every political, social, and economic front. REV Up aims to				
	increase the number of people with disabilities who vote.				
	Website: https://revupma.org/wp/				
	To join REV UP Massa				
The Dignity Digest	For a free weekly subscription to <i>The Dignity Digest:</i>				
	https://dignityalliancema.org/contact/sign-up-for-emails/				
	Editor: Paul Lanzikos Primary contributor: Sandy Novack				
N	MailChimp Specialist: Sue Rorke				
Note of thanks	Thanks to the contribut	ors to this issue of	The Dignity Digest		
	Dick Moore				
	Special thanks to the MetroWest Center for Independent Living for assistance				
	with the website and MailChimp versions of <i>The Dignity Digest</i> .				
	If you have submissions for inclusion in <u>The Dignity Digest</u> or have questions				
	or comments, please submit them to <u>Digest@DignityAllianceMA.org</u> .				

Meg Coffin

mcoffin@centerlw.org

Dignity Alliance Massachusetts is a broad-based coalition of organizations and individuals pursuing fundamental changes in the provision of long-term services, support, and care for older adults and persons with disabilities.

Our guiding principle is the assurance of dignity for those receiving the services as well as for those providing them.

The information presented in "The Dignity Digest" is obtained from publicly available sources and does not necessarily represent positions held by Dignity Alliance Massachusetts.

Previous issues of The Tuesday Digest and The Dignity Digest are available at:

Home and

https://dignityalliancema.org/dignity-digest/

For more information about Dignity Alliance Massachusetts, please visit www.DignityAllianceMA.org.