

About the National Academy of Elder Law Attorneys (NAELA)

NAELA, founded in 1987, is a national association of Elder and Special Needs Law attorneys devoted to the education and training of attorneys who can meet the needs of seniors and people with disabilities, and who advocate for the needs of such individuals.

While NAELA Elder and Special Needs Law attorneys work one-on-one with clients in their local areas, NAELA also examines and advocates on national public policy issues facing seniors and people with disabilities in America including long-term health care; planning for retirement; estate planning and probate; guardianship and conservatorship; health care decision making; and elder abuse and neglect.

This informational brochure is provided as a public service and is not intended as legal advice. Such advice should be obtained from a qualified Elder and Special Needs Law attorney.

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www.NAELA.org • 703-942-5711



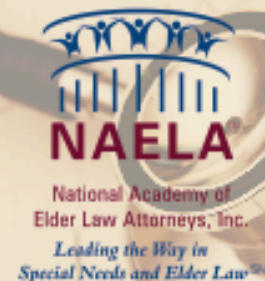
1217 Ponce de Leon Blvd, Clearwater FL 33756

(727) 586-4224

www.parrilaw.com



Nursing Home Improvement and Prevention of Elder Abuse



Health Care Reform Series

The Patient Protection and Affordable Care Act, the health care reform law, includes provisions to protect some of the most vulnerable older adults — those who live in nursing homes and those who are victims of elder abuse.

Nursing Home Transparency and Improvement

The health care reform law:

- Requires nursing homes to disclose the identity of their owners, operators, and financiers, so they can be held accountable for the care their residents receive.
- Requires nursing homes to take steps internally to reduce criminal and civil violations.
- Establishes a Quality Assurance and Performance Improvement Program to improve quality assurance standards.
- Requires the federal government to implement a system to collect and report information about how well nursing homes are staffed, including accurate information about the hours of nursing care residents receive; staff turnover rates; and how much facilities spend on wages and benefits.
- Requires cost reports that nursing homes will file with the government to show expenditures by category — nursing, therapy, capital assets, and administrative services.
- Implements a pilot program to improve federal government oversight of nursing home chains that have quality of care problems.
- Requires direct-care workers in nursing homes to receive training on dementia and abuse prevention.

- Extends to all states the opportunity to receive federal matching funds to conduct national criminal background checks, including fingerprint checks, on individuals who apply for direct patient access jobs in long-term care facilities and with home care agencies that receive funding from Medicare or Medicaid, thus eliminating the ability of persons with criminal histories to move from state to state to work with vulnerable seniors and persons with disabilities.

Prevention of Elder Abuse

The health care reform law also:

- Establishes an Elder Justice Coordinating Council to make recommendations to the U.S. Secretary of Health and Human Services on the coordination among federal, state, local, and private agencies and entities to prevent elder abuse, neglect, and exploitation. Recommendations are due in 2012.
- Provides \$400 million in first-time, dedicated funding for state Adult Protective Services (APS) programs.
- Provides \$100 million for state demonstration grants to test a variety of methods to detect and prevent elder abuse.
- Provides \$26 million for the establishment and support of Elder Abuse, Neglect, and Exploitation Forensic Centers to develop forensic expertise and provide services relating to elder abuse, neglect, and exploitation.



- Provides \$32.5 million in grants to support the Long-Term Care Ombudsman Program and an additional \$40 million in training programs for national organizations and state long-term care ombudsman programs.
- Provides \$67.5 million for grants to improve long-term care staffing through training and recruitment and incentives for individuals seeking or maintaining employment either in a long-term care facility or a community-based long-term care entity.
- Requires the immediate reporting of crimes in federally-funded long term care facilities and subjects facilities who fail to do so to significant fines.
- Creates an Advisory Board to develop approaches to improve the quality of long-term care, including preventing abuse, neglect, and exploitation.
The funds for these provisions were authorized by the health care reform law, but still must be appropriated by Congress.