



Commonwealth of Massachusetts  
Department of Public Health

Helping People Lead Healthy Lives In Healthy Communities

# Massachusetts Department of Public Health

**Nursing Homes:  
Progress Updates and Next Steps  
April 2016**



# Background

- There are 419 nursing homes in Massachusetts, with 48,266 beds.
  - 413 nursing homes are certified facilities, meaning they receive funds from Medicare and Medicaid.
- Nursing homes are regulated at state (105 CMR 150) and federal (42 CFR Part 483, Subpart B) levels. DPH's Division of Healthcare Facilities Licensure and Certification is the state survey agency designated by CMS. In that capacity, it conducts the following reviews:
  - **Licensure**, including transfer of ownership & suitability determination;
  - **Inspection**
  - **Survey operations**, including an onsite recertification inspection of all nursing homes every 9-15 months, investigating life safety, administration, nursing, resident rights, food service and environment;
    - **Complaints**, investigations dynamic based on volume and severity
    - **Licensure**, initial licensure and changes to licenses.
- If a facility is found not to be in compliance with regulation, deficiencies may be cited as part of a recertification survey or complaint investigation.

# Complaints Overview

- Complaint Unit: protective oversight of residents by identifying and responding to allegations and incidents that appear to pose the greatest potential harm to patients and residents of facilities; complaints that allege an immediate threat to health, safety or welfare are triaged for immediate on-site investigation.
- ~11,000 nursing home facility self-reported incidents and consumer allegations combined in 2015
  - 9,947 facility reported incidents (85%)
  - 1,768 consumer reported complaints (15%)
- These are triaged through a two tiered review process, the disposition is determined, and the investigation is conducted on-site when indicated.
- Validated findings are sent to professional licensing boards for licensed professional.
- Reports involving nursing homes may be forwarded to the Executive Office of Elder Affairs (EOEA) and the Attorney General's Office (AGO).

# Five Areas of Improvements

1. Information Transparency
2. Transfer of Ownership
3. State Fines
4. Hiring and Training
5. SPOT check team

# Information Transparency

- Objective: Ensure Information Transparency
  - Create resource page for complaints
  - Post nursing home data dashboard
- Progress
  - Nursing home data and complaints web pages redesigned to be more accessible
  - Created user-friendly URL:  
[www.mass.gov/dph/nursinghomes](http://www.mass.gov/dph/nursinghomes)
  - Topics grouped into domains for improved consumer navigation
  - Site redesigned in March

# Information Transparency: Consumer Web Page

The screenshot displays the 'Nursing Home Consumer Information' page on the Massachusetts Department of Public Health website. The page features a navigation menu with categories like 'A-Z Topic Index', 'Health Care & Insurance', 'Consumer', 'Licensing', 'Provider', 'Researcher', 'Government Agencies', and 'Departments'. A breadcrumb trail indicates the path: Home > Government Agencies > Departments & Divisions > Public Health > Bureaus and Programs > Health Care Safety and Quality > Health Care Facility Licensure & Certification > Nursing Home Consumer Information. The main content area lists several links: 'Individual Nursing Home Information', 'How to File a Nursing Home Complaint', 'Brochure: A Guide to Nursing Home Care', 'Regulations', 'Choosing a Nursing Home', 'Resident Rights', 'Public Information', and 'Resource List'. A 'List of Health Care Facilities Licensed or Certified by the Division' is also mentioned. A feedback section at the bottom asks 'Did you find the information you were looking for on this page?' with radio buttons for 'Yes' and 'No', and a 'Send Feedback' button. A 'Friendly URL' is provided as [www.mass.gov/dph/nursinghomes](http://www.mass.gov/dph/nursinghomes).

# Transfer of Ownership

- Objective: ensure application process provides complete picture of owner and vulnerabilities
  - Add requirements to Transfer of Ownership application (criminal, financial attestation for owner(s), property owner(s), in state and out of state)
- Progress
  - Transfer of Ownership application and Suitability Disclosure Form updated to capture information specific to compliance history, criminal history and financial data, both in-state and out-of-state, for real property owners
  - Forms posted, effective for all new applications April 11, 2016

# State Fines

- Objective: institute state fines for findings of deficiency
- Progress:
  - Effective April 11, 2016, nursing homes violating any provision of 105 CMR 150, 105 CMR 151 or 105 CMR 153 may be fined \$50 for each deficiency cited
  - Initial fine imposed regardless if deficiency is corrected at the time of a follow up survey or desk audit
  - Additional fine of \$50 per deficiency may be imposed for each day a deficiency remains uncorrected after an order to correct date

# Hiring and Training

- Objective: effectively hire & train staff
- Progress:
  - Currently at 77 long term care inspectors
  - 19 inspectors hired since 7/1/2015, 6 in 3/2016
  - 7 additional program staff hired
  - 10 vacant positions

# Supportive Planning and Operations Team - SPOT

- Objective: develop Nursing Home Supportive Planning and Operations Team (SPOT)
  - Identify underperforming nursing homes
  - Perform unannounced visits
  - Provide expertise and support in process and quality improvement, plan development and implementation
  - Support nursing homes to develop an improvement module to address : prevention of healthcare-associated infections, falls prevention, proper medication administration, high-quality care for residents with memory impairment.
- Update:
  - Working with CMS on plan approval for use of Civil Monetary Penalty (CMP) funds
  - Goal: SPOT deployment July 1