

Assisted Living: The Next Quality Compliance Frontier

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Assisted Living: Who is a resident?

- 85 years old
- 75% female
- Typical resident—86 year old woman who is mobile, but needs assistance with 2 ADLs

National Center for Assisted Living (NCAL)

Assisted Living Residents

- Average length of stay= 27 months
- 34% will move into nursing home
- 30% pass away
- 36% move home or to another location

National Center for Assisted Living

Regulatory Initiatives in Assisted Living

- More than 20 states have made statutory and/or regulatory changes in 2007
- Enhanced standards for Alzheimer's and dementia populations
- Disclosure of information to consumers
- Pennsylvania has new regulations in process—published August 2008

National Center for Assisted Living

Enforcement Activities

- Lavin case (US Attorney's Office—Eastern District of PA)
- New Jersey Department of the Public Advocate
- Abuse and neglect investigations and prosecutions

Compliance Risk Factors

- Informed Consent/Negotiated Risk
- Managed Risk/Shared Responsibility
- What do these terms mean?
- What are the ramifications on residents and facilities?

Compliance Risk Factors

- Physician practice and resident freedom of choice
- Individualized care plans—who is developing them? Service contracts?
- Staff training—dementia; behaviors
- Reporting requirements
- Communication issues

Quality Areas in Assisted Living

- Behavior Issues
- Cognitive function
- Activities of Daily Living
- Falls
- Activities
- Nutrition

Quality Areas (continued)

- Medication management and oversight
- Pain management
- Urinary incontinence
- Fire safety
- Wandering and elopement
- General health issues—preventive health care

Predictions for the Future

- Increased state and federal enforcement activities
- Use of federal fraud theories as Medicaid dollars flow into Assisted Living Facilities
- Enhanced compliance programs mandatory

CONTACT US

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David Hoffman is the President of David Hoffman & Associates, PC, a national healthcare consulting group dedicated to assisting healthcare providers achieve quality care through legal and clinical compliance. Mr. Hoffman and his team of clinicians evaluate care delivery from a systems perspective. Mr. Hoffman has also consulted with defense counsel in defending providers under investigation by the government.

Before creating his firm, Mr. Hoffman was an Assistant United States Attorney in Philadelphia for 12 ½ years and prosecuted healthcare fraud matters both civilly and criminally. Mr. Hoffman pioneered the use of the False Claims Act in failure of care cases in nursing homes, hospitals, assisted living facilities and clinical research. Before joining the Justice Department, Mr. Hoffman served in the Governor's Office of General Counsel as Chief Counsel for the Pennsylvania Department of Aging.