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Report To
General Assembly's Study Committee
On Aging

Report To
GENERAL ASSEMBLY'S STUDY COMMITTEE ON AGING

By

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NURSING AND BOARDING HOMES

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STATE DOCUMENTS

Revision in the regulations that govern the licensing of all long term care facilities should be made to prevent the issuance of a license to sub-standard facilities. "Grandfather clauses", as they are sometimes called, in some cases, permit a facility to apply for a lower level of licensing because it can no longer meet the higher standards now required. Examples of this would be a skilled nursing facility applying for an intermediate care license or an ICF applying for a boarding home license. This does not mean that it should never be permitted, but there is a case where, by the "stroke of the pen", a facility changed from a skilled to an intermediate care facility without a change of patients.

Rules and regulations are getting stricter and patients need to be protected. History tells us that as these requirements get more strict, there is a tendency to take the cheapest way out rather than make improvements and increase the safety of the patients. There are a couple of ways that a home can avoid making these types of improvements. One applies to a nursing facility applying for licensing at a lower level, that is a skilled facility becoming an intermediate care facility or an ICF to a boarding home - or a boarding home can reduce the number of residents to ten or less. There cannot be a wholesale closing of homes because the aged people need a place to live.

I also know, to require these homes to meet these stricter regulations, it is going to cost money, that is a higher rate of reimbursement to the owners and operators. I support an increase in the budget to the Department of Social Services to provide this increase.

Minimum standards for licensing health facilities are now being revised and rewritten. It is recommended that this committee review these standards before they are published in final form.

There are several specific areas that need to be reviewed and are listed below, but I will not go into them separately as there are two other items I would like to bring to your attention.

Nursing and boarding homes seem to get a lot of attention, but there is another situation that needs a little attention, and that is the high-rise housing for the elderly. There are regulations that prohibit the construction of a high-rise building unless fire resistive materials are used, but this same building can be furnished with chairs, beds or other types of furnishing that burn. This type of building should have an automatic sprinkler system because limiting furnishings to non-combustible material would be an impossibility. A case in point is the fire in Atlanta, Georgia last year, when a new high-rise caught fire killing several aged residents.

ADULT ABUSE LAW: South Carolina needs an adult abuse law similar to the child abuse law.

This area of concern has been brought to the attention of the Ombudsmen on several occasions. Several agency offices have many cases documented. One that sticks in my mind is where a son locked his mother in a room feeding her only milk, bread, butter and water.

Closely allied to this is a need for protective services - children and other relatives take checks or use more extreme methods; for example, attempting to exploit the legal process by acquiring control of all monies and property.

INVESTIGATIVE AUTHORITY FOR OMBUDSMAN: A University of Florida Law Review article stated, "The genius of the Ombudsman idea is that the holder of the office has full authority to investigate and pass judgment but no power to enforce". The lack of this investigative authority has hindered investigations, lengthened the time of making resolutions, and puts the Ombudsmen in questionable positions at times.

The Ombudsmen need this investigative authority to perform a more effective job in aiding our senior citizens in this quest for a better way of life.

THE FOLLOWING ARE AREAS THAT NEED ATTENTION:

- (1) All individuals directly involved in patient care should have, prior to employment, a course in Nursing Fundamentals, and those presently employed, should receive training within six (6) months after enactment.
- (2) Minimum staffing patterns should be increased to a more realistic level.
- (3) There should be recourse other than denial of licensure at the disposal of state regulatory agencies to force compliance in cases of recalcitrant facilities ...e.g., uniform monetary penalties based upon the severity of the infraction.
- (4) Nursing home patients and/or relatives (sponsors) should be guaranteed the right to lodge complaints without fear of eviction or retribution.