

Making a Choice:

Using Public Data and Good Questions to Compare Nursing Homes, Rehabs, and Hospitals

Delivered for the Westchester Community via
the Senior Law Day Collaborative

October 6, 2021

The imperative:

Buyer beware

- Ask questions
- Get answers
- See for yourself
- Vigilance is appropriate
- Plan for advocacy

What we will cover today

Questions to address when selecting a nursing home or rehab facility.

Objective sources of information to answer those questions.

How the same questions can apply to assisted living facilities.

What to do when things go wrong.

Sources of information on hospitals.

Tips for self advocacy.

Starting point:

You do have a choice

Be familiar with the process so you can ask questions early and not have your choices be rushed.

Typical scenarios that will lead to a nursing home stay:

Elder has fallen at home; goes to the hospital for care, becomes deconditioned during stay and goes to nursing home for short term rehab.

While being treated at rehab, has another fall, which leads to a longer rehab stay and deterioration in condition. Question of independence looms larger or level of care is now seen to be more than could be handled at home.

Strategy: Have the conversation about prognosis and future care as early as possible while in the hospital. Engage the doctor and/or social worker to get answers.

What type of care is needed once discharged from hospital?

- Go home to previous arrangement
- Go home with some type of home care
- Enter short term rehab

What is the trajectory for care over the next year?

Note...this discussion is easier if you've done some planning. Is your Health Care Proxy and Power of Attorney in place? Have you thought through trusts, wills, etc. The resources of the Senior Law Day Collaborative can assist!

Strategy | Questions to ask

Four areas for investigation when assessing a nursing home

Staffing (one of the most important indicators of a nursing home's quality and safety)

What are the "total nurse staff hours" per resident per day, how many "RN hours" per resident per day? Nursing home residents require at least 4.10 total nurse staff hours and 0.75 RN hours per day. What percentage of staff are vaccinated for COVID-19?

Compliance

When was the nursing home's last Health inspection? How did they do? Were any deficiencies found during Infection Control inspections?

Care Plan (the resident and representative have a say)

What is in it? Does it meet the resident's needs? How often is it reviewed and who participates?

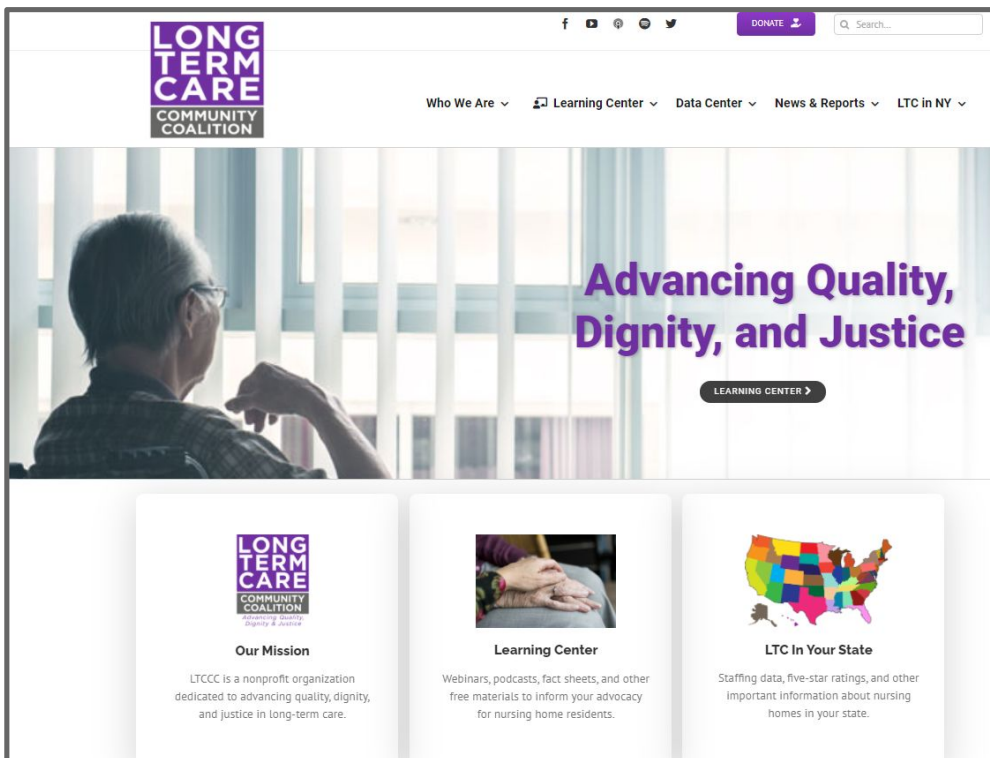
Points of contact for information (medication lists, care plan participation, concerns)

How do you
get the
information you
need

Independently
gather information
from authoritative
sources.

Ask direct questions
of the providers.

Compare.



Get familiar with
what's here:

- Learning Center
- Data Center
- News & Reports

Essential Resource #1: Nursinghome411.org

TOTAL NURSE STAFFING HOURS PER RESIDENT PER DAY *

GO TO Data & Reports | State Data | SELECT NY | Download the NY Providers Report | Open in Excel | Filter for Westchester County (scroll down to APPLY the filter) | SORT facilities by total staffing hours (ignore pediatric centers)

REPORTED RN STAFFING HOURS PER RESIDENT PER DAY *

SAME FILE | SORT facilities by RN staffing hours

STAFFING RATING

SAME FILE. This rating is based on objectively reported data. Rated 1 to 5. Look for the higher rating.

HEALTH INSPECTION RATING

SAME FILE. Rated 1 to 5. Look for a higher rating.

SPECIAL FOCUS

SAME FILE. This means the facility has been identified as having serious quality issues and/or may be in a quality improvement program.

* According to a landmark 2001 federal study, nursing home residents require 4.10 Total Nurse Staff Hours and 0.75 RN Hours per resident per day for sufficient care.

Where to go on the Nursing Home 411 site

See "Notes" tab below for more info on ratings, staffing, data categories, and footnotes.

State	CMS Region Number	Provider Name	City	County	Ownership Type	Average Number of Resident per Day	Special Focus Status	Abuse Icon	With a Resident and Family Council	Overall Rating	Staffing Rating	Health Inspection Rating	Select "+," above for more ratings	Reported Total Nurse Staffing Hours per Resident per Day	Reported RN Staffing Hours per Resident per Day	Select "+," above for more staffing data (reported, case-mix, adjusted)	Number of Substantiated Complaints	Number of Fines	Total Amount of Fines Dollars
NY	2	BROOKLYN GARDENS NURSING & REHABILITATION CENTER	BROOKLYN	Kings	Non profit -	197.8		N	Both	4	2	3		3.40	0.47		0	0	\$0
NY	2	THE HERITAGE REHABILITATION AND HEALTH CARE CENTER	BROOKLYN	Kings	For profit - C	65.4		N	Both	4	2	4		3.24	0.53		0	0	\$0
NY	2	SPRING CREEK REHABILITATION & NURSING CARE CENTER	BROOKLYN	Kings	For profit - L	160.4		N	Resident	3	2	2		3.15	0.39		0	0	\$0
NY	2	NEW CARLTON REHAB AND NURSING CENTER, L L C	BROOKLYN	Kings	For profit - C	119.8		N	Resident	2	1	2		3.43	0.40		1	0	\$0
NY	2	OXFORD NURSING HOME	BROOKLYN	Kings	For profit - C	187.3		N	Both	3	1	3		3.14	0.28		0	0	\$0
NY	2	COBBLE HILL HEALTH CENTER INC	BROOKLYN	Kings	Non profit -	275.4		N	Resident	3	2	2		3.70	0.63		0	0	\$0
NY	2	BROOKLYN CTR FOR REHAB AND RESIDENTIAL HEALTH CARE	BROOKLYN	Kings	For profit - f	201.7		N	Resident	4	2	3		3.79	0.53		0	0	\$0
NY	2	CATON PARK REHAB AND NURSING CENTER, L L C	BROOKLYN	Kings	For profit - l	91.5		N	Resident	5	2	5		3.60	0.53		0	0	\$0
NY	2	SHORE VIEW NURSING & REHABILITATION CENTER	BROOKLYN	Kings	For profit - C	255.9		N	Both	5	3	5		3.28	1.21		0	0	\$0
NY	2	THE CHATEAU AT BROOKLYN REHAB AND NURSING CENTER	BROOKLYN	Kings	For profit - l	161.3		N	Both	4	2	3		3.38	0.64		1	0	\$0
NY	2	PALM GARDENS CENTER FOR NURSING AND REHABILITATION	BROOKLYN	Kings	For profit - l	217.3		N	Resident	4	2	4		4.19	0.84		0	1	\$42,636
NY	2	SCHULMAN AND SCHACHNE INST FOR NURSING & REHAB	BROOKLYN	Kings	Non profit -	335.1		N	Both	5	2	5		3.65	0.59		0	0	\$0
NY	2	SEA CREST NURSING AND REHABILITATION CENTER	BROOKLYN	Kings	For profit - C	269.1		N	Resident	5	3	5		3.47	1.26		0	0	\$0
NY	2	BORO PARK CENTER FOR REHABILITATION AND HEALTHCARE	BROOKLYN	Kings	For profit - l	477.1		N	Resident	4	3	3		3.74	0.78		0	0	\$0
NY	2	SEAGATE REHABILITATION AND NURSING CENTER	BROOKLYN	Kings	For profit - C	302.5		N	None	3	1	3		3.06	0.27		0	0	\$0

There's a lot to explore, filter, sort - use the videos!

See
"Notes"

Provider Name	County	Ownership Type	Special Focus Status	Staffing Rating	Inspection Rating	Resident per Day	Resident per Day	Number of Fines	Total Amount of Fines in Dollars
NEW CARLTON REHAB AND NURSING CENTER, L L C	Kings	For profit		1	2	3.43	0.40	0	\$0
OXFORD NURSING HOME	Kings	For profit		1	3	3.14	0.28	0	\$0
SEAGATE REHABILITATION AND NURSING CENTER	Kings	For profit		1	3	3.06	0.27	0	\$0
BROOKLYN QUEENS NURSING HOME	Kings	For profit	One-Star	1	2	2.82	0.36	0	\$0
ATRIUM CENTER FOR REHABILITATION AND NURSING	Kings	For profit		1	5	3.17	0.39	0	\$0
SAINTS JOACHIM & ANNE NURSING AND REHAB CENTER	Kings	Non profit		1	4	3.31	0.48	0	\$0
DR SUSAN SMITH MCKINNEY NURSING AND REHAB CENTER	Kings	Government		5	2	4.64	1.22	1	\$52,390
BUENA VIDA REHAB AND NURSING CENTER	Kings	Non profit		1	4	3.02	0.35	1	\$650
HOPKINS CENTER FOR REHABILITATION AND HEALTHCARE	Kings	For profit	One-Star	1	2	3.40	0.56	0	\$0

Focused view: comparing a 1 star vs 5 star “staffing rating”

An official website of the United States government [Here's how you know](#) [Cambiar a Español](#)

Medicare.gov Basics ▾ Health & Drug Plans ▾ Providers & Services ▾ [Log in](#)

Remember to protect your Medicare

[Protect Yourself/Learn How](#) [Log in/Create Account](#)

See how Medicare is responding to Coronavirus [Learn More](#)

Find & Compare

- Find care providers
- Find medical equipment & suppliers
- Compare procedure costs

Learn

- What Medicare covers
- Claims & appeals

My Information

- Looking for your providers & services information?
- [Log in/create an account](#)

[Feedback](#)

Essential Resource #2 Medicare.gov

GETTING THERE

GO TO Providers & Services | Find & Compare ...care provider
FILTER by location and provider type

COMPARE & DRILL DOWN

- Staffing
- Health Inspections
- Covid 19 Vaccination Rates

IGNORE

Quality Rating (not fully based on objective measures and data)

Where to go on the Medicare site

Medicare.gov

Basics Health & Drug Plans Providers & Services Log in

< Back Within 5 miles 11229, Staffing 3+

MY LOCATION: New York, NY 11229 PROVIDER TYPE: Nursing homes NAME OF FACILITY (optional): Facility name Search

Filter by: Distance: 5 mi. Overall rating: Staffing: Much above average # of certified beds: More filters Clear all filters

Showing 1 - 11 of 11 nursing homes Sort by: Closest

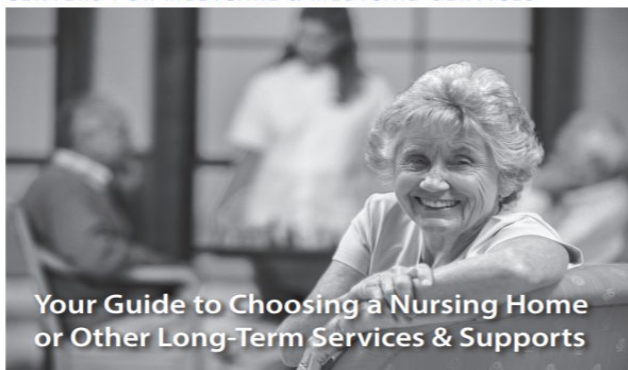
Rank	Facility Name	Distance	Address	Phone	Overall Rating
1.	Shore View Nursing & Rehabilitation Center	1.4 mi	2845 Brighton 3rd Street Brooklyn, NY 11235	(718) 891-4400	★★★★★ Much above average
2.	Haym Solomon Home for the Aged	2 mi	2340 Cropsy Avenue Brooklyn, NY 11214	(718) 373-1700	★★★★☆ Average
3.	King David Center for Nursing and Rehabilitation	2 mi	2246 Cropsy Avenue Brooklyn, NY 11214	(718) 266-6100	★★★★☆ Average
4.	Menorah Home & Hospital for Aged & Infirm	2 mi	1516 Oriental Blvd Brooklyn, NY 11235	(718) 646-4441	★★★★★ Much above average
5.	Sea Crest Nursing and Rehabilitation Center	2.5 mi			★★★★★ Much above average

Compare up to three sites or go to a specific facility

	X Remove	X Remove	X Remove
	Shore View Nursing & Rehabilitation... 2865 Brighton 3rd Street Brooklyn, NY 11235 (718) 891-4400	Menorah Home & Hospital for Aged &... 1516 Oriental Blvd Brooklyn, NY 11235 (718) 646-4441	Sea Crest Nursing and Rehabilitation... 3035 West 24th St Brooklyn, NY 11224 (718) 372-4500
NURSING HOMES			
Overview			
Health inspections			
Staffing			
Quality of resident care			
COVID-19 vaccination rates			
COVID-19 vaccinations can be extremely effective at protecting nursing home residents from COVID-19 infections, symptoms, and severe outcomes, like hospitalization or death. The information below shows the percent of residents and staff who are vaccinated in th... Read more			
Resident vaccination ⬆ Higher percentages are better National average: 84.5% NY average: 86.6%	59.5%	80.7%	45.8%
Staff vaccination ⬆ Higher percentages are better National average: 65.4% NY average: 72.5%	70.3%	65.8%	63.7%
Fire safety inspections & emergency preparedness			
Penalties			
Data last updated: September 29, 2021 To explore and download nursing home data, visit the data catalog on CMS.gov			

Expand each section for data and full reports; includes COVID vaccination data

CENTERS FOR MEDICARE & MEDICAID SERVICES



Your Guide to Choosing a Nursing Home or Other Long-Term Services & Supports

This official government booklet explains:

- How to find and compare nursing homes and other long-term services and supports
- How to pay for nursing home care
- Your rights as a nursing home resident
- Alternatives to nursing home care



Use the checklist on pages 31-39 to compare nursing homes.

See the Nursing Home Checklist on Pages 31-39

<https://www.medicare.gov/care-compare/en/assets/resources/nursing-home/02174-nursing-home-other-long-term-services.pdf>

Also on Medicare.gov

Where can you turn when something goes wrong?

You have options:
ombudsman, social worker,
attorney

Westchester County Ombudsman

Your local ombudsman is here to protect the health, safety, welfare, human and civil rights of people living in nursing homes and adult care facilities. They are committed to advocating for senior citizens and are a vital link between residents of long term care facilities and the government resources able to investigate and resolve their problems.

Judy A. Farrell, Ombudsman Coordinator

Region 4 (Counties Served: Putnam, Rockland, Westchester)
Tri County Long Term Care Ombudsman Program

10 North Street
Cold Spring, NY 10516
Phone: (914) 500-3406
Email: judy@ltccc.org

aging.ny.gov/location/judy-farrell-ombudsman-coordinator

File a complaint

It matters that you do - to address your immediate concerns and to assist others.

Concerns about both safety and quality of care are relevant - it's your home!

- NYS Dept. of Health: 1-888-201-4563
- NYS Attorney General (MFC Unit): 1-800-771-7755

What are your rights?

- 1987 Nursing Home Reform Law
- Code of Federal Regulations: 42 CFR Part 483
- New York Codes, Rules and Regulations: Title 10 Part 415
- NYS Public Health Law Section 2801-d

It is a nursing HOME. You have rights in your home.

The basic right of any nursing home resident is to be treated with dignity and respect. All other rights support this basic premise.

See also: Are You Prepared? Webinar on the Rights of Nursing Home Residents and Their Families Amidst the COVID-19 Pandemic, deliver 2/10/21. Posted to seniorlawday.info.

State and federal regulations require nursing homes to have written policies covering the rights of residents. The nursing home's staff must implement these policies and explain them to you. Any person requiring nursing home care should be able to enter any nursing home and receive appropriate care, be treated with courtesy and enjoy continued civil and legal rights.

Specifically, you have the right to:

- dignity, respect and a comfortable living environment
- quality of care and treatment without discrimination
- freedom of choice to make your own, independent decisions
- be informed in writing about services and fees before you enter the nursing home
- the safeguard of your property and money
- appeal a transfer or discharge with the New York State Department of Health
- privacy in communications
- choose your own schedule, activities and other preferences that are important to you
- receive visitors of your choosing at the time of your choosing
- an easy-to-use and responsive complaint procedure
- be free from abuse including verbal, sexual, mental and physical abuse
- be free from restraints
- exercise all of your rights without fear of reprisals

How about assisted living?

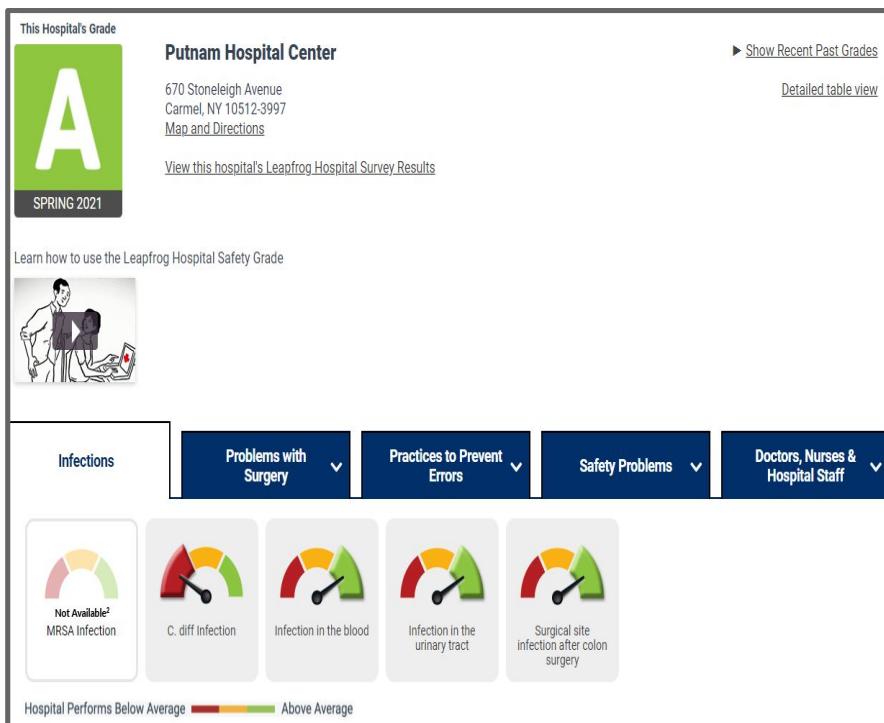
See NursingHome411.org for Questionnaires on topics including:

- Considerations Before Signing Residency Agreement.
- Initial Questions for Administration and Staff.
- When Might You Need to Move?
- Your Needs & Preferences.

How about hospitals?

Whether you have a choice of hospital or not, take the time to assess its track record for safety.

- More than **250,000** people die every year from hospital errors, injuries, accidents, and infections.
- Every year, **1 out of every 25** patients develops an infection while in the hospital—an infection that didn't have to happen.
- A Medicare patient has a **1 in 4** chance of experiencing injury, harm or death when admitted to a hospital.
- Today alone, more than **1000** people will die because of a preventable hospital error.



Focus on these areas:

Handwashing (Practices to prevent error) Does your hospital have a handwashing policy to ensure all staff members are washing their hands before and after patient contact?

Infection in the blood (Infections) Hospital patients may be given a central line (a tube inserted into the body to deliver medication and other treatments). Patients with a central line are at high risk for developing a dangerous infection in the blood. Is your hospital showing a low number on this measure?

Patient falls (Safety problems) What is your hospital doing to ensure you don't suffer an added injury from a fall while in the hospital?

Essential Resource #3 HospitalSafetyGrade.org

What can you do to be safe in the hospital?

Ask your medical service providers how you can be kept safe.

If something happens, speak up.

Have someone identified who will look out for your needs. (patient advocate).

Six practical tips for self advocacy #1-3

Know your rights. The key to successful advocacy is knowledge of one's rights. Be firm while exercising your rights. Be persistent. Ask for honest communication and insist on accountability. You always have the right to express concern, to offer suggestions, to make a complaint.

Have your facts in hand. Document your concerns. Keep a small notebook to record who, what, where, when, and how a right was violated. Be specific.

Be clear about the results you want. What would be a satisfactory resolution? What can you live with? What is unacceptable? Can you come up with solutions? State your options in terms of needs or preferences.

Six practical tips for self advocacy #4-6

(with thanks to Liz Valentin of the NY Law School!

Negotiate. Plan a meeting to achieve your desired results. Identify who is in a position to resolve your concern. Include appropriate staff. Bring allies. Listen to build understanding and gain information, but also stay focused on your desired outcome. If and when an agreement is reached, summarize your understanding before ending the meeting. Wherever possible, put your agreement in writing.

Appeal. If you are not satisfied, go up the "chain of command" until you find a positive resolution. Putting your concerns in writing and insisting on a written response can be very effective.

File a formal complaint. When problems persist or are serious, file a formal complaint. Seek the assistance of your allies, such as an elder law attorney, an ombudsman, union representative, law school clinic, etc.

SENIORLAWDAY.INFO

Related webinars

A sampling:

- Making Medical Decisions For Another
- Nursing Homes Vs. Home Care: Comparing Community Resources
- Consumer Directed Personal Care Program Under Medicare
- How Do I Plan For Long Term Care With Or Without Long Term Care Insurance

SENIOR LAW DAY COLLABORATIVE
Free Legal & Financial Advice For Westchester County Seniors and Their Families | seniorlawday.info

HOME EVENTS RESOURCES ABOUT US EN ESPAÑOL FEEDBACK

We're glad you made your way to the Senior Law Day Collaborative!
(Click to expand the headings below to register and explore.)

- ▶ REGISTER FOR UPCOMING WEBINARS
- ▶ SEPTEMBER 30TH SENIOR LAW DAY EVENT (10AM - 12:30PM)
- ▶ OUR MOST RECENT WEBINAR
- ▶ FREE CONSULTATIONS (Registration is now closed; use the button at left to ASK US! a question!)
- ▶ 2020 WEBINARS
- ▶ 2021 WEBINARS

SUGGEST A TOPIC!

QUESTIONS?
ASK US!
click here

Tweets by @SeniorLawDay

Senior Law Day @SeniorLawDay
Reason #6 to attend Senior Law Day at Ridge Road Park in #Hartsdale on 9/30 at 10AM.
Visit information tables of agencies from state/local government & nonprofit groups. Learn about everything from #driving (for older adults) to #taxes

If you remember just one thing....

seniorlawday.info

The Senior Law Day Collaborative is here for you.

Your presenters

Deborah Truhowsky

(212) 880-6496

dt@yournyadvocate.com

yournyadvocate.com

DFT The Law Firm of
D.F. Truhowsky

Elena Falcone

(914) 231-3240

elena@wlsmail.org

westchesterlibraries.org

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