



What To Do If You Have a Concern About Quality in a Pennsylvania Nursing Home

Advice and resources for dealing with quality concerns

Nursing homes in Pennsylvania provide continuous skilled nursing and supportive services to residents. Pennsylvania has over 700 licensed nursing homes, and most provide quality care most of the time. However, there are times when residents or family members have concerns about the quality of care in a nursing home. If this happens to you, this tip sheet can help. It gives you:

- Practical advice about what to do and who to talk with, including phone numbers and addresses
- Links to resources that can help

This tip sheet explains steps you can take within the nursing home to deal with your concerns about quality of care. It tells you how to contact places that regulate or oversee nursing homes.

Is it worth it to pursue a concern about quality?

For many of us, it's not easy to act on a concern about the quality of care we or our loved ones receive. The process can be stressful, frustrating and take a long time. In the end, it's possible that others may not agree with the way we see the situation.

Is it worth the time and energy to take action on concerns about the quality of nursing home care? Only you or your loved one can decide. In making the decision, think about the continued harm that might take place if you do nothing—and think about how the actions you take might lead to better care for future residents and their families.

What is quality of care?

Quality health care is doing the right thing, at the right time, in the right way, for the right person—and having the best possible results.

What are some of your quality of care rights in a Pennsylvania nursing home?

Under the law, you have the right to:

415 East Ohio Street, Suite 300 * Pittsburgh, PA 15212
Phone 412-456-1877 * Fax 412-456-1096 * www.consumerhealthcoalition.org

- Be fully informed of all of your rights and responsibilities
- Receive quality services
- Be treated with respect
- Complain

For more information, see this information about General Consumer Rights and Responsibilities:
http://www.longtermcare.state.pa.us/portal/server.pt/community/consumer_rights/4008

What types of quality concerns might you see in a nursing home?

Health care quality concerns could arise for a variety of reasons in a nursing home. Some might relate to how well the whole staff works together or whether there is enough staff to provide care for residents. Other quality concerns might result from a specific action a staff member takes (or doesn't take), such as giving you a drug that you shouldn't get or giving too many drugs. Some of these actions may not affect your health at all; some may cause inconvenience or pain; others may cause serious harm.

Staff who physically harm, abuse or neglect patients are always cause for major concern. They put you, your loved one and other residents in a situation that may lead to serious injury or death called "immediate jeopardy."

What steps should you take if you have a concern about quality?

Step 1 – Talk with a nursing home staff member who can fix the problem.

For many quality concerns, it's often best to try to talk with staff at the nursing home first. You can talk with the social worker, a nurse, the administrator (head of the nursing home), or another trusted staff member. You could put your concerns in writing and ask for a written response. You might also bring your concerns to the resident council, particularly if the concern affects others in the nursing home.

Step 2 – Call the Long Term-Care Ombudsman Program.

If your concern is not fixed within a reasonable time, or if you are not comfortable talking with someone in the nursing home, you can call the Ombudsman Program. This is a program of the Pennsylvania Department of Aging. Ombudsmen are trained staff and volunteers who receive and resolve complaints from residents in nursing homes, personal care homes and other long-term care places. Their services are free. Ombudsmen received over 1,400 complaints about nursing homes in Pennsylvania in 2008-2009 and 69 percent of those complaints were resolved to the satisfaction of the person who complained.

415 East Ohio Street, Suite 300 * Pittsburgh, PA 15212
Phone 412-456-1877 * Fax 412-456-1096 * www.consumerhealthcoalition.org

All nursing homes are required to post the phone number for their local ombudsman program. You can also find the phone number and additional information about your local ombudsman by county at this website:

http://www.portal.state.pa.us/portal/server.pt/community/advocacy_%28ombudsman%29/19389

Or you can call the Long Term Living Helpline and ask for information about the Ombudsman program:

866-286-3636

The ombudsman will meet with you and/or a family member in a private setting so you can talk freely. If you allow it, they'll talk with nursing home staff or review records to see if they can solve the problem. You or your family member will be told what the ombudsman finds out about your concern. If you're not happy with the result, or if you want to protect others from possible harm, you can file a complaint with the Pennsylvania Department of Health.

Step 3 – File a complaint with the Pennsylvania Department of Health.

Pennsylvania nursing homes are licensed by the Pennsylvania Department of Health (DOH). This means that they must follow certain rules and regulations in order to care for residents and receive payment. One function of DOH is to receive and investigate complaints about licensed organizations.

The department receives over 2,400 complaints a year about nursing homes. DOH investigators found that 605, or 25%, of the complaints did reveal problems. You can file a complaint with DOH by:

Calling the Nursing Home Complaint Hotline: 800-254-5164

Sending a complaint by e-mail to: c-ncomplai@state.pa.us

Mail your complaint to:
Division of Nursing Care Facilities
Room 526
Health and Welfare Building
625 Forster St.
Harrisburg, PA 17120

You should be as specific as possible about your concern if you are writing your complaint. Make sure you keep a copy of what you send. Once DOH receives your complaint, they will send you a letter saying that they have received it. This generally takes a week after they receive it.

The investigation: What happens next depends on how serious your concerns are and when they happened. Trained staff reviews the complaint and decides how it should be handled. If the complaint involves serious harm such as death or a very bad injury and there is still a threat to residents, it is called a “priority” complaint or “immediate jeopardy.” In this case, investigators from DOH should be at the nursing home investigating within 2 days. All other complaint investigations are begun within 48 hours and completed within 14 days. These complaints may or may not involve a visit to the nursing home.

415 East Ohio Street, Suite 300 * Pittsburgh, PA 15212
Phone 412-456-1877 * Fax 412-456-1096 * www.consumerhealthcoalition.org

Complaint investigations that involve nursing home visits are unannounced—the nursing home administration and staff are not told in advance that a DOH investigator is coming.

Depending on the type of complaint, the DOH investigator will probably talk to you and other residents and family members, look at your medical records, talk to and observe staff members and inspect the facility. After the investigation is done, you will get a letter telling you what DOH found. If you disagree with their findings, you can request that they look at the information again; however, generally an investigation would only be re-opened if DOH staff receives new information. The letter will include contact information if you have any questions or concerns regarding the investigation.

What are the outcomes? If the investigation finds that there was a problem, the nursing home has 10 days to tell DOH what it plans to do to fix the problem. This is called a plan of correction. Once the plan has been approved by DOH, the nursing home is expected to follow it. DOH staff will make another unannounced visit to make sure that the nursing home did follow the plan. If they don't follow the plan and the problems continue, the nursing home may have to pay a penalty of up to \$500 a day for each problem that is found. Information on complaints and investigation outcomes for nursing homes is available on several websites noted below.

How long will it take? Investigations into nursing home complaints are begun within 2 days and completed within 14 days.

Can you remain anonymous when you file a complaint?

You have the right to remain anonymous when you file a complaint—that is, to not give your name or contact information. If you do give your name and contact information, you can ask DOH staff to treat it confidentially and not tell the nursing home that you are the person complaining.

Remaining completely anonymous may make your case more difficult as it may limit DOH staff's ability to verify information. You also won't be able to follow up or receive information about what happened. You can talk with the ombudsman about the pros and cons of remaining anonymous in your case.

What if the nursing home retaliates against you or a loved one for filing a complaint?

Being concerned about staff punishing you or a loved one is understandable given your dependence on them for care. However, it is absolutely against the law to retaliate against a resident of a nursing home for filing a complaint. If you feel you are being retaliated against, you should contact the Pennsylvania Department of Health or ombudsman program with your concern.

Nursing Home Complaint Hotline: 800-254-5164

Long Term Living Helpline (for referral to an ombudsman program): 866-286-3636

415 East Ohio Street, Suite 300 * Pittsburgh, PA 15212
Phone 412-456-1877 * Fax 412-456-1096 * www.consumerhealthcoalition.org

Where else can you go with a concern about quality?

State Board of Examiners of Nursing Home Administrators: The head of a nursing home, known as the administrator, is licensed by the State Board of Examiners of Nursing Home Administrators. The Board sets standards for administrators and takes complaints.

If you feel that a nursing home administrator is not fulfilling their duties, you may complain to the State Board: 717-783-7155

For additional information:

http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_examiners_of_nursing_home_administrators/12514

Medicare: If your nursing home care is paid for by Medicare (the federal health insurance for people over age 65 or people under 65 who are disabled), you might also consider calling the organization that oversees quality of care in places caring for Medicare patients. In Pennsylvania, that organization is called Quality Insights of Pennsylvania. If you send Quality Insights a complaint, you will be notified if the care you received met the expected standard. Their process is generally focused on improving the performance of nursing homes, not on punishing it. If you are still in the nursing home, the review should take 38 to 83 days. If you are no longer receiving services, the review can take up to 165 days to complete, depending on whether a quality problem is found.

Quality Insights Medicare Beneficiary Complaint Hotline: 800-322-1914

After you call, Quality Insights will send you a complaint form to fill out and send back.

For further information about how to file a complaint at Quality Insights:

http://www.qipa.org/pa/medicare_consumers/rights/fileacomplaint.aspx

Medicaid: You can also call the Medicaid Fraud Control Unit of the Pennsylvania Attorney General's Office if you have a concern about certain activities in a nursing home. Examples include providing unnecessary services, billing for medical services that you didn't get, billing for more expensive services or billing more than once for the same medical service. The office also deals with patient neglect, such as residents who are malnourished or who are not receiving needed medical treatment.

Pennsylvania Office of the Attorney General: 717-783-1481

<http://www.attorneygeneral.gov/crime.aspx?id=177>

Joint Commission: The Joint Commission is a non-profit organization that evaluates and accredits (judges the quality of organizations against a set of rules or standards) health care organizations across the country. Not all nursing homes are accredited by the Joint Commission. Those that are must follow the Joint Commission's complaint process. To find out if the Joint Commission has accredited your nursing home, search for it in the Quality Check database:

415 East Ohio Street, Suite 300 * Pittsburgh, PA 15212
Phone 412-456-1877 * Fax 412-456-1096 * www.consumerhealthcoalition.org

<http://www.qualitycheck.org/consumer/searchQCR.aspx>

For information about the complaint process at the Joint Commission:

http://www.jointcommission.org/report_a_complaint.aspx

What should you do if you're not getting any response?

Pennsylvania legislators: If you are not hearing back from the nursing home or you have other concerns about the way you're being treated, you can call your Pennsylvania General Assembly member and senator. They have staff who assist people living in their districts who aren't getting the help they need.

List of Pennsylvania legislators: <http://www.legis.state.pa.us/cfdocs/legis/home/find.cfm>

Where can you find information about Pennsylvania nursing homes?

There are several online resources you can check for information about the quality of care provided in Pennsylvania nursing homes:

Nursing Care Facility Locator: A Pennsylvania Department of Health website that provides information about inspection results and staffing in nursing homes.

<http://app2.health.state.pa.us/commonpoc/nhLocator.asp>

Long Term Living in Pennsylvania: A state website that provides access to information about long-term living services and planning resources for older adults. Includes tools to help determine your needs and caregiver support services.

http://www.longtermcare.state.pa.us/portal/server.pt/community/long_term_living_home/3950

Nursing Home Compare: A federal website that includes information on problems found during regular surveys and complaint investigations. Also includes information on the quality of nursing home care.

<http://www.medicare.gov/NHCompare/Include/DataSection/Questions/SearchCriteriaNEW.asp?version=default&browser=IE%7C7%7CWindows+Vista&language=English&defaultstatus=0&pagelist=Home&CookiesEnabledStatus=True>

Other useful information:

If you are concerned about the quality of care in a Pennsylvania hospital, managed care plan (HMO) or doctor's office, or with the care provided by registered nurses, here's where to go for more information:

415 East Ohio Street, Suite 300 * Pittsburgh, PA 15212
Phone 412-456-1877 * Fax 412-456-1096 * www.consumerhealthcoalition.org

Doctors:

<http://www.informedpatientinstitute.org/PHYQuality-PA.php>

Hospitals:

<http://www.informedpatientinstitute.org/HOSQuality-PA.php>

Managed Care/HMO:

Bureau of Managed Care

Pennsylvania Department of Health

http://www.portal.state.pa.us/portal/server.pt/community/managed_care/14157

Health Care section of the Pennsylvania Office of the Attorney General

<http://www.attorneygeneral.gov/seniors.aspx?id=395>

Registered Nurses:

Pennsylvania State Board of Nursing

http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_nursing/12515/consumer_information/572053

If you want to learn more about **Malpractice**, the National Health Law Program sponsors a consumer website called HealthCareCoach that includes information on malpractice and how to find an attorney.

<http://www.healthcarecoach.com/resources/index.php?view=detail&id=102&node=4>

Written by Carol Cronin, Executive Director, Informed Patient Institute. This project was made possible through the generous support of the Jewish Healthcare Foundation.

April 2011