

Tackling the Problems in Long-Term Care

A look at opportunities for change at the national level

By Kathy Bradley

Right now, advocates are uniquely poised to push hard for improvement in the quality of services in long-term care. More federal legislation on this front is being proposed than we have ever seen before.

The pandemic laid bare longstanding problems in long-term care. But make no mistake: It did not CAUSE those problems. Providers have been failing consumers for decades, all the while claiming they don't need regulations and can police themselves.

According to a December 2021 article from [The New York Times](#), nearly 740,000 seniors — one of every 100 in the country — had died from COVID-19 to that date. About 75% of all COVID-19 deaths were people 65 and older, according to the [CDC](#) data posted May 25, 2023. As of the week ending May 14, 2023, more than 166,000 nursing home residents have died of COVID-19, according to the Centers for Medicare & Medicaid Services (CMS); 3,100 nursing home staff have also died. In February 2022, the Kaiser Family Foundation reported more than 200,000 deaths in long-term care settings among staff and residents of all ages combined. Neglect during isolation also caused an alarming number of health declines and deaths, as reported by [The National Consumer Voice of Quality Long-Term Care](#) in January 2021. Many of those deaths were likely preventable had providers, consistently and over time, prioritized staffing levels, training, supervision and infection prevention and control protocols (including maintaining adequate PPE). Many did not.

The devastation wreaked by the pandemic raised a call to action by our nation's leadership. [The National Academies of Sciences, Engineering and Medicine](#) (NASEM) hosted a public webinar in January 2021 to gather information and perspectives on what happened and why. NASEM published an April 2022 [report](#) with comprehensive recommendations for change, and the national [Moving Forward Nursing Home Quality Coalition](#) is developing workable action plans addressing those recommendations.

U.S. Representatives Lloyd Doggett of Texas and Jan Schakowsky of Illinois led 113 members of Congress in signing a March 13, 2023, letter urging CMS to enact robust nurse-to-resident staffing ratios for nursing facilities this year. The representatives comprehensively describe the need and widespread support for safe nurse staffing ratios, limiting the number of residents on a nurse's workload, and the need for transparency in Medicare and Medicaid spending on nursing facilities. A February 2022 fact sheet from [the White House](#) states that proposed rules to implement the Biden-Harris administration's commitment to enact enforceable nurse staffing standards are expected in the spring of 2024.

Urge your Congress members to support and demand passage of the bills listed in the sidebar. We cannot allow this moment to pass. We and our loved ones have waited too long, at too high a cost.

[WISH Act](#): provide catastrophic long-term care insurance, creating a large insurance pool to reduce reliance on Medicaid.

[Nursing Home Disclosure Act](#): improve public disclosure of nursing home medical directors.

[Home- and Community-Based Services Access Act](#): make changes addressing gaps in services when consumers want to age in their own homes.

[Linking Investors and Nursing Home Quality Act](#): bring transparency through annual disclosure of ownership and financial activity of nursing homes.

[IMPROVE Nursing Homes Act](#): provide funding and create a grant program to convert traditional nursing homes into small-house nursing homes.

[The Elder Justice Reauthorization and Modernization Act of 2021](#): increase funding for states' Long-Term Care Ombudsman programs; provide funding for long-term care workforce development; and provide grants and training for community-based organizations.

[Essential Caregivers Act of 2021](#): permit designated essential caregivers to enter long-term care facilities to provide care and support during a public health emergency (to be reintroduced).

[The Nursing Home Improvement and Accountability Act of 2021](#): increase transparency, accountability and oversight in nursing homes; improve staffing; and support innovation in the structure and culture of these facilities (to be reintroduced).

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