



IN PERSPECTIVE:

A CLOSER LOOK AT HOW THE AFFORDABLE CARE ACT HELPS EVERYONE

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Better Safety and Quality For Seniors and People with Disabilities

The Patient Protection and Affordable Care Act (Affordable Care Act) includes the most significant improvements to the quality and safety of long-term care in the last 20 years and the most comprehensive federal effort ever to fight elder abuse. These important provisions will improve the lives of millions of seniors and people with disabilities who receive long-term care services, either in long-term care facilities, such as nursing homes, or in their own homes.

The health reform law includes three sections aimed at improving the lives of seniors and people with disabilities. Each of these sections would have been considered landmark legislation if enacted on its own. The first, the Elder Justice Act, seeks to combat crimes committed against older people, including financial exploitation and physical and mental abuse. Its companion, the Patient Safety and Abuse Prevention Act, goes a long way toward ensuring that the people who provide care to our seniors and people with disabilities provide a safe environment and do not abuse or neglect them. And, finally, the Nursing Home Transparency and Improvement Act will increase transparency and accountability in nursing homes so people will have the information they need to evaluate and compare facilities.

Protecting Vulnerable Seniors and People with Disabilities From Abuse and Exploitation

Through the Elder Justice Act provisions of the Affordable Care Act, for the first time, there will now be a dedicated source of federal funding for Adult Protective Services offices—state agencies that provide services to abused, neglected, or exploited seniors and people with disabilities. These offices provide a range of services to vulnerable adults, from investigating claims of neglect to legal intervention. Some states restrict services to seniors only, while others offer services to all adults over 18 years of age. Over the next four years, the law authorizes \$400 million in new funds for Adult Protective Services agencies to investigate cases of neglect, abuse, or exploitation. The law also authorizes \$100 million additional dollars for states to set up programs to test different ways to improve Adult Protective Services.

The Elder Justice Act also enhances support for state Long-Term Care Ombudsman offices. Every state has a Long-Term Care Ombudsman. This office helps residents in long-term care facilities resolve complaints, and it advocates for improvements to nursing homes and other long-term care facilities. The ombudsman also educates people about available long-term care options and what their rights will be if they decide to enter a nursing home or other long-term care facility. The ombudsman also conducts inspections of long-term care facilities to ensure that residents are receiving safe, quality care. Unfortunately, these programs are often understaffed and lack necessary resources. Under the Affordable Care Act, the Elder Justice Act authorizes \$32.5 million over the next four years to support these ombudsman programs and an additional \$40 million to provide additional training for staff in the ombudsman offices. This funding will help the ombudsman programs better serve residents and improve the safety and quality of long-term care facilities.

By including the Patient Safety and Abuse Prevention Act, the Affordable Care Act also expands nationwide a program that has been conducted in seven states to provide background checks for people who apply to provide direct long-term care services. Using a coordinated system that includes checking abuse and neglect registries and criminal databases, as well as the FBI national crime database, the pilot program prevented more than 9,500 people with histories of abuse or violent criminal records from ever working with seniors or people with disabilities. This successful program will now be conducted in every state, ensuring that people with a history of neglect or violence are not put in a position to take advantage of, or harm, our seniors and people with disabilities.

Getting Consumers Better Access to Information About Long-Term Care Facilities

Deciding whether to move into a nursing home or assisted living facility can be difficult for seniors or people with disabilities and their loved ones. It is important to know whether a nursing home has enough nurses and other staff to properly care for the residents or to know whether a facility has had any problems with patient safety and what steps they have taken to improve the care they provide. However, people are often unable to make fully informed decisions because information about these facilities is hard to find or not available at all.

In 2011, the Nursing Home Transparency and Improvement Act, which is part of the Affordable Care Act, requires Medicare's Nursing Home Compare website to include a Consumers Rights Information page, which will include tips about choosing a nursing home and the rights of a long-term care facility resident. The Nursing Home Compare website will also now include access to nursing home inspection reports and an explanation of how consumers should interpret the reports. In addition, the website will post information about any problems at the nursing home and the nursing home's plan for improving them. Further,

the website will also provide information about abuse and neglect and criminal violations committed by the facility or its employees. Over time, more information will be added to the website, including, in 2012, information about staffing levels and turnover rates. This information will allow seniors and people with disabilities—and their loved ones—to get a better understanding of the quality of care provided and the level of safety at the long-term care facility.

Expanding the Long-Term Care Workforce

The Affordable Care Act also improves training and provides incentives for more people to join the long-term care workforce. Without enough direct long-term care providers, such as nurse aides, home health aides, and personal care attendants, long-term care providers can't provide adequate staffing to ensure the delivery of safe, high-quality, care in facilities or at people's homes. The Department of Health and Human Services and the Department of Labor must work together to provide incentives for people to train for and seek employment providing direct long-term care. These incentives could include, among other things, better wages and benefits to attract more people to the field and bonuses for staff that achieve certifications to encourage more staff to improve their level of training. Additionally, the law establishes the National Health Care Workforce Commission, which is required to establish a structure for national health care workforce planning to ensure that we have the workforce to meet our long-term services needs.

The Affordable Care Act also makes grants available to nursing homes and home- and community-based service providers to enable continuing training and certification for staff. Being a long-term care provider can be rewarding, but it can also be challenging. Residents at long-term care facilities can have health conditions that require special care. Because 70 percent of nursing home residents live with some degree of cognitive impairment, nursing homes must have properly trained staff to be able to meet the needs of these residents. The Affordable Care Act requires that all staff undergo training for dementia management and abuse prevention before they start working in the facility.

Conclusion

With the enactment of the Affordable Care Act, Congress has taken important steps to protect the health, safety, and quality of life of seniors and people with disabilities living in long-term care facilities. It not only provides consumers with more choices about where they receive long-term care and services (see “Help for Those Who Need Long-Term Care” in the Long-Term Services section of our website), but it also makes many improvements and investments in systems to protect seniors and people with disabilities.



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