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**NORTH CAROLINA CENTER FOR
PUBLIC POLICY RESEARCH INC.**

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(Editors: This is the second in a new series of op-ed pieces from the N.C. Center for Public Policy Research. The Center is an independent, nonpartisan, nonprofit organization dedicated to informing the public and making state government more effective and accountable. In a 1992 edition of North Carolina Insight magazine, the Center published research evaluating state regulation of nursing homes. This editorial is based on that research. For more information, contact Mike McLaughlin at the Center at (919) 832-2839.)

**Time to Act on Temporary Managers for Nursing Homes
by Mike McLaughlin**

North Carolina needs legislation to allow courts to appoint temporary managers of problem nursing homes -- those that continually violate state regulations and jeopardize patient health. But it may take a nudge from the public to get this worthwhile legislation into law.

Both the N.C. Health Care Facilities Association (the nursing home industry trade association) and the Division of Facility Services in the N.C. Department of Human Resources are to be commended for backing legislation authorizing temporary managers. But two bills to authorize it are stuck in committee.

A Senate bill (SB 842) is lodged in the Senate Appropriations Committee, on hold because of a \$50,000 annual appropriation -- less than peanuts in a proposed state budget of \$8.8 billion. An identical House bill (HB 959) is stuck in the House Appropriations Committee -- hung on the opposition of the N.C. Association of Long Term Care Care Facilities and a House member who doesn't think the bill should apply to rest homes.

Based on its research, the North Carolina Center for Public Policy Research believes it's time to enact this legislation. At least 16 states have such a law, and North Carolina needs it to complete a range of sanctions to bring a few wayward nursing homes into line. Without this tool in place, the consequences of a nursing home failure are too grim to contemplate.

The Center is a nonpartisan, research-based organization. Where the research suggests it, we make recommendations to improve the way state government serves the people of this state. There can be no clearer case for recommendations than the one we made in the May 1992 edition of North Carolina Insight calling on the legislature to give state courts authority to appoint temporary managers for problem nursing homes.

Mike McLaughlin is editor of North Carolina Insight, the journal of the N.C. Center for Public Policy Research.

The recommendation was based on a careful review of state enforcement of nursing home regulations by the Division of Facility Services in the N.C. Department of Human Resources. We analyzed fines assessed in the regulation of nearly 300 North Carolina nursing homes over a three-and-a-half year period -- from 1988 through June of 1991.

The Center identified 10 problem homes that keep getting fined year after year and never seemed to clean up their act. In one instance, a home failed to seek treatment for an infected wound on the leg of a patient. The leg had to be amputated. In another instance, a home was cited for maggots in a patient's vagina. Bedsores and soiled sheets seemed almost routine reasons for issuing citations against the homes. Yet most homes operated with only isolated violations or no violations at all.

To us at the Center, it looks like a clear-cut case of a few bad apples spoiling the bunch. Center research showed seven homes accounted for nearly a third of the total dollar value of fines assessed by the Penalty Review Committee during the period studied, and 10 homes accounted for nearly 40 percent of the fines. Meanwhile, 140 homes operated during the entire three-and-a-half years without a single penalty.

While the Center's research focused on nursing homes and not on rest homes, there is ample anecdotal evidence to suggest that rest homes should be covered by the law. The latest example is the Triangle Care Center in Orange County, which was notified in late May that its license would be revoked by the Division of Facility Services after a series of recurrent violations. The home has been cited twice in the deaths of patients since 1991. The state finally shut the home down because residents were routinely receiving the wrong medication -- a dangerous mistake with serious health consequences. Inspectors swooped down on the home as though they were on a drug raid and moved residents out in one day. A temporary manager could have provided an orderly transition, and patients would have avoided this trauma.

The Center believes that with the threat of a temporary manager as a last resort, the state could finally get the attention of problem nursing homes. They would either clean up their acts or be forced out of business. The law could only be invoked in the most extreme cases and only then after a thorough review by a Superior Court judge. But the very threat of a takeover might prevent those conditions from ever occurring. That alone is reason enough to enact the law.

No one wants to end up in a bad nursing home at the end of a productive life. The least the state can ensure is a safe and sanitary environment. The temporary management law would help provide that, if only the legislature would act.

So write your legislators and tell them how important this legislation is. Letters can be addressed to your local legislators or to the Chair, Appropriations Committee, N.C. House and Senate, Legislative Building, Raleigh, N.C. The zip code for the House is 27601-1096. For Senate members, it's 27601-2808.