

## Ensuring Quality and Oversight in Assisted Living

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### Statement of the National Association of State Long-Term Care Ombudsman Programs to the Senate Special Committee on Aging

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The National Association of State Long-Term Care Ombudsman Programs appreciates the Special Committee on Aging's attention to the quality of assisted living.

Although "assisted living" is different in every state, the expansion of assisted living as an alternative to (sometimes) more costly nursing home care is a national trend that deserves federal oversight. The federal government involved itself in assisted living when the Centers for Medicare and Medicaid Services began approving Medicaid waivers to states and it is time to take the next steps to ensure quality of care and protection from harm. Such waivers allow states to draw federal match to pay for nursing home level of services in residential environments. CMS requires quality assurance of waiver services and states may require basic standards for licensing or otherwise regulating the facilities. Bifurcating oversight in this way makes it difficult for consumers seeking resolution of problems they may encounter. Additionally, access to a long-term care ombudsman as an independent advocate is sporadic throughout the country due to insufficient resources in the ombudsman program and inconsistent requirements that homes inform residents about the ombudsman program.

NASOP advocates development of comprehensive standards and oversight of assisted living. Nursing homes are increasingly changing their business model to focus on short-term rehabilitative care, in part to attract higher reimbursement through Medicare than they receive through Medicaid. One result is that we are seeing yesterday's nursing home residents becoming today's assisted living residents. Many assisted living facilities hold themselves out as providing dementia care, advertising secure environments and specialized units. Through Medicaid waivers, elders and adults with disabilities, who by definition require nursing home level of services, are receiving care in residential environments. However, regulation of residential environments has not evolved with the population changes, creating the potential for crises such as those Senator Nelson described in his introductory remarks.

We recognize that some flexibility may be in order because not all assisted living providers offer the level of service described here. However, basic resident rights should be consistent among states. We recommend enactment of a federal bill of rights for residents of assisted living and a regulatory approach that demands a culture of safety and promotes high quality of care and quality of life. Additionally, the Long-Term Care Ombudsman Program should be adequately funded to respond consistently to

complaints about assisted living and to provide a regular presence in every state. Residents of assisted living facilities are often just as vulnerable as residents of nursing homes were in the 1960s and it is time for public policy to catch up.

Thank you for this opportunity to provide our statement. We appreciate the Committee's interest in this matter.