



**LONG TERM CARE COMMUNITY COALITION**  
242 WEST 30TH STREET, SUITE 306, NEW YORK, NY 10001



Working to improve long term care through research, education & advocacy

**LONG TERM CARE (LTC) E- NEWSLETTER - March 2010: Volume 8, Number 2**

Welcome to the [LTC E-NEWSLETTER](#), a monthly electronic newsletter of the [Long Term Care Community Coalition](#). Note to Readers: To go directly to an article, click on its page number in the Table of Contents. Once you are at the article, click on any underlined text for a link to more information or to send a message in "Spotlight on Advocacy."

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**[Judge Rules NY City Must Move Mentally Ill Out of Group Homes](#)**

Following a ruling last September that New York City is violating the American's With Disabilities Act's mandate that people with mental illness have the right to receive care in "the most integrated setting appropriate to their needs," Federal District Court Judge Nicholas G. Garaufis ruled on March 1 that the city must provide or build at least 1,500 integrated residential housing units each year for mentally ill residents receiving services in the city, "until there is sufficient capacity for all [of the city's mentally ill patients] who desire such housing, and no fewer than 4,500 units in" all.

The city currently houses thousands of people in licensed adult homes across the city. Many of these homes have achieved notoriety for being highly institutional settings where residents receive inadequate care in poor, often inhumane conditions. [See *The New York Times'* report on adult home conditions by Cliff Levy in 2002, [For Mentally Ill, Death and Misery](#) for more information on the horrific conditions in many of these adult homes.]

*The New York Times* article on the District Court's ruling (linked to above) noted that

If it stands, the order will transform a system that took shape in the 1960s, when the government embraced adult homes as a way to care for people with mental illness after the rapid closing of large state-run hospitals. But as with the earlier institutions, the adult homes struggled under continued lax state regulation and poor private management.

The lawsuit was filed in 2003 by Disability Advocates, a nonprofit legal services group, after a series of articles in *The New York Times* that described a system in which residents were poorly monitored and barely cared for, left to swelter in the summer and sometimes subjected to needless medical treatment and operations for Medicaid reimbursement.

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Judge Garaufis's order rejected the remedy proposed by the state, which continued to dispute many of the findings of his previous rulings and which sought to cap the number of new supported housing units at 1,000, to be made available over five years. "The court is disappointed and, frankly, incredulous that defendants sincerely believed this proposal would suffice," the judge wrote.

[\[http://nyti.ms/b5dlXw\]](http://nyti.ms/b5dlXw)

## **[Study Finds For-Profit Acute Care Hospitals More Likely To Use Feeding Tubes On Dementia Patients From Nursing Homes](#)**

According to a study reported on in the February 10, 2010 issue the Journal of the American Medical Association, "Among nursing home residents with advanced cognitive impairment admitted to acute care hospitals, for-profit ownership, larger hospital size, and greater ICU use was associated with increased rates of feeding tube insertion, even after adjusting for patient-level characteristics." [Note: quoted from abstract.] [\[http://archinte.ama-assn.org/cgi/content/abstract/170/1/89\]](http://archinte.ama-assn.org/cgi/content/abstract/170/1/89)

The investigators note their reason for conducting this study (in the report's abstract): "Tube-feeding is of questionable benefit for nursing home residents with advanced dementia. Approximately two-thirds of US nursing home residents who are tube fed had their feeding tube inserted during an acute care hospitalization." The *McKnight's Long Term Care News* article on the study notes that

Nursing homes have an incentive to transfer advanced dementia patients on Medicaid to acute care hospitals because Medicare will pay for their care, according to the researchers from Brown University. When this transfer happens, the patients can become stressed, leading hospital staff to prescribe medications and insert feeding tubes, the report suggests. It is more likely that larger, for-profit hospitals will resort to feeding tube use, the researchers found while analyzing a sample of Medicare claims for such patients between 2000 and 2007. On average, there were 7.9 feeding tube insertions per 100 hospitalizations over the period of the study.

A recent study from the Royal College of Physicians found that feeding tube use at the end of life doesn't improve the quality of life or reduce complications. (*McKnight's*, 1/7/10). Better aligning reimbursement structures to keep advanced dementia

patients in less restrictive, more comprehensive care settings may help prevent the need for feeding tubes, the researchers in the latest report suggest.

[\[http://bit.ly/aPgg5T\]](http://bit.ly/aPgg5T)

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## **[Spotlight on Advocacy: New York State is Restructuring Long Term Care – Tell LTCCC About Your Experiences and Concerns](#)**

There is currently a number of long term care restructuring activities underway across New York State. The Long Term Care Community Coalition (LTCCC) is monitoring developments to ensure that consumer are protected no matter where they get care and that direct care workers, long term care ombudsman and oversight agencies are able to do their jobs to provide and ensure good care and quality of life for consumers. Please help, by providing us your input. To access the survey, click on the link above or go to <http://www.surveymonkey.com/s/M5CNRBJ>.

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## **We're on the Web!**

[www.ltccc.org](http://www.ltccc.org): Our main website, with access to all of our issues, policy briefs and research.

[www.assisted-living411.org](http://www.assisted-living411.org): For information on assisted living, including consumer issues and policies.

[www.nursinghome411.org](http://www.nursinghome411.org): For information on developments in nursing home care, regulation and policy issues.

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## **LTCCC Links of Interest**

[View the latest enforcement actions against nursing homes in New York State.](#)

[Read the latest edition of LTCCC's quarterly newsletter, \*The Monitor\*.](#)

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*If the above links do not work (or if you are reading a printout of this newsletter) you can find these documents on our homepage, [www.ltccc.org](http://www.ltccc.org).*

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