

MEMORANDUM

TO: NCAL Board of Directors
NCAL State Leaders
Past NCAL Chairs
State Executives
State Assisted Living Staff
State PR Directors

FROM: Dave Kyлло, NCAL Executive Director

DATE: July 19, 2013

RE: July 30 *Frontline/ProPublica* Broadcast Of *Life and Death in Assisted Living*

As many of you already know from previous communications from NCAL, PBS' *Frontline* investigation of assisted living is set to air Tuesday evening, July 30. Check local PBS listings for the exact time the program will air in your market.

Recently, PBS began promoting the *Frontline/ProPublica* "[Life and Death in Assisted Living](#)" on its local stations. Beyond the broadcasts, *Frontline* will post this program on its website and through its Facebook and Twitter accounts. In addition, *ProPublica* will publish a "text investigation about the assisted living business" on July 30. *Frontline* and *ProPublica* are investigative journalism organizations.

Frontline interviewed AHCA/NCAL President and CEO Mark Parkinson on camera this past January. *ProPublica* reporter A.C. Thompson asked Mark about the need for federal regulation and the ability of consumers to compare assisted living communities in different states online. At this time, the *Frontline* producer said they are still working on the show and don't know if Mark's response will be included in the piece.

Frontline plans to profile several resident deaths as part of the piece. In addition, *Frontline* will focus attention on the largest assisted living provider in the nation – *Emeritus Senior Living*. As we have seen for decades in the skilled nursing center arena, the largest corporate provider frequently gets targeted by investigative journalists and other interests simply because they hold the No. 1 spot. According to *Frontline* promotions, the piece will examine the relationship between profits and resident care. Here is a link to the promo: [Life and Death In Assisted Living](#)

This is the first time in more than a decade that assisted living has received such negative attention on a national scale from broadcast media. In addition, PBS re-airs its *Frontline* programs; so it is highly likely that the episode will run multiple times in your local market. While it is unclear whether this story will have "legs," it is possible that local media may try to put a local angle on the national story.

To help affiliates respond to any local media inquiries, NCAL has developed the attached talking points. In addition, we are attaching NCAL's media guide as a resource.

NCAL member facilities may also receive inquiries from residents, families and staff who view the program. We have developed separate advice for member facilities to help them respond to inquiries they might receive from residents, families or staff.

We understand that the *Frontline* piece will be difficult to watch for those who work in the assisted living field and have dedicated their lives to caring for the nation's elderly and disabled. Keep in mind that incidents that will be profiled are isolated, rare events and are not typical – which is why they are being included in the *Frontline* piece.

NCAL will be conducting other communication efforts during this time. Should you have any questions, do not hesitate to contact me (dkyllo@ncal.org), Lisa Gluckstern at lgluckstern@ncal.org or Katherine Preede at kpreede@ncal.org.

We care deeply about the residents we serve.

- The situations depicted in the *Frontline* episode are upsetting, but they are also rare.
- The examples in the *Frontline* story are disturbing to assisted living providers and staff and we extend our heartfelt thoughts and sympathies to all residents and families involved.
- Assisted living professionals and staff go to work each day to serve and care for their residents. Our residents and families become our extended families.

Instances of abuse and neglect are always deplorable and don't reflect mainstream practice in assisted living or the values held by assisted living providers.

- NCAL and its members have a steadfast commitment to high quality person-centered care.
- NCAL's primary focus is to seek new ways to improve quality and reduce the potential for caregiving shortfalls.
- Every day in assisted living communities, residents are cared for by trained and loving staff members, who have dedicated their lives to seniors.
- On any given day, the 750,000 seniors who live in assisted living communities benefit from the socialization, friendship, rehabilitation, social and health care services that assisted living residences provide.

The Vast Majority of Assisted Living Residents and Families Are Pleased With Their Care

- More than 90 % of residents and families are highly satisfied with their assisted living providers often recommending their assisted living community to others.
 - 91 percent of residents rated their assisted living communities overall satisfaction as excellent or good.
 - 92 percent of families' rated overall satisfaction with their loved one's assisted living community as excellent or good.
 - 91 percent of residents would recommend their communities to others.
 - 92 percent of families would recommend their communities to others.
- The drivers of customer satisfaction are the competency of staff and the responsiveness of management.

(Source: 2011-2012 Customer and Employee Satisfaction in Assisted Living Communities by the National Research Corporation)

Our Ongoing Commitment to Quality Is Who We Are

- The assisted living profession is extremely proactive on quality improvement initiatives.
- NCAL developed “Guiding Principles” for assisted living early in the profession’s history. Those principles serve as the basis for assisted living operations and performance.
- NCAL encourages its members to continuously improve their quality focus through participation in initiatives such as the *NCAL Quality Initiative*, collaboration with a Patient Safety Organization, and support of the Center for Excellence in Assisted Living – a collaborative group of consumer and provider organizations. The *Quality Initiative* has four goals: Reduce the use of anti-psychotic drugs; Decrease re-hospitalizations; Increase customer satisfaction; and, Reduce staff turnover.
- NCAL also is involved in many other federal initiatives that are striving to protect seniors and improve care such as efforts to reduce falls and prevent consumer fraud.
- The commitment of NCAL and its state affiliates to provider education and professional development is unparalleled. NCAL offers numerous training programs and webinars each year. NCAL state affiliates are an essential education link between state regulators and the provider community.

Seniors Built the Assisted Living Profession, Not Government

- Assisted living was born in response to consumer demands for the right to live in a home-like environment that respects their dignity, choices, independence and provides flexibility that meets their personal care needs.
- By focusing regulation on a state level, consumers have a system that is responsive to the individual needs of each state, based on economics, geographic needs, demographics, culture and the values and characteristics of the local population.
- Baby boomers are fiercely independent and want care delivered the way they want it, not the way government regulators want it.
- The nursing home field was largely built by the Medicaid and Medicare programs where rules and payment policies make it difficult to respond to individual consumer needs and wants.

- Consumer frustration over the federal government’s “one size fits all” approach to care in the nursing home arena drove seniors to demand and create a new model of care – assisted living.

Federal Regulation of Assisted Living is Not the Answer

- The federal government is broke both financially and functionally. The belief that the federal regulation can dramatically improve assisted living care more successfully than individual state governments is unrealistic. Washington is not the answer.
- When OBRA (the sweeping federal oversight law for nursing homes) was enacted in 1987, state governments did not actively regulate nursing homes. The opposite is true for assisted living today. For the past 15 years, state governments have been constantly updating and modifying their requirements for assisted living providers as the needs of assisted living residents change.
- States are consistently and successfully modifying regulations to fit the changing dynamics of care and the safety of the resident. Consistently over the years, at least one-third of the states revises and updates regulations each year.
- Washington has a long history of being slow to respond to changing consumer forces in the marketplace and to the needs of seniors. The snail’s pace of Washington is out of sync with the needs and demands of today’s seniors and their Baby Boomer adult children.
- The field of gerontology is far more advanced today than in 1987 when OBRA was passed. Science, research and experience have dramatically improved senior care since 1987. These advancements have become standard gerontological quality practice and did not exist when federal nursing home laws were enacted 25 years ago.
- We believe oversight of assisted living should remain on the state level. We also believe that states must provide adequate resources to see the existing rules and regulations are enforced.

Guidance for Providers (Assisted Living Directors and Administrators) In Communicating with Residents, Families and Staff

The National Center for Assisted Living offers its members the following suggestions for communicating with residents, families and staff who viewed the PBS *Frontline* segment on assisted living.

- Acknowledge the disturbing depictions in the *Frontline* episode and openly share how upsetting they were to you as an assisted living professional.
- Inform them that such instances of abuse and neglect are rare and are not representative of assisted living care.
- Remind them of your commitment (and the commitment of your staff) to quality care and providing a safe, caring environment for all residents.
- Remind residents, families, volunteers and staff to immediately report any instance of abuse and neglect (or suspected instance of abuse or neglect). As the director/administrator, emphasize that you take these reports seriously and will take appropriate action.
- Educate them again about your state's survey/inspection process and complaint survey process.
- Formally remind residents and families (verbally and in writing) that you want their assisted living experience to be a positive one and that they should never hesitate to voice their concerns or ask questions.