



## **What to Do if You Have a Concern About Quality in a Pennsylvania Nursing Home**

### **Advice and resources for dealing with quality concerns**

Nursing homes in Pennsylvania provide continuous skilled nursing and supportive services to residents. Pennsylvania has over 700 licensed nursing homes, and most provide quality care most of the time.

There are times, however, when residents or family members have concerns about the quality of care in a nursing home. If this happens to you, this tip sheet can help. It gives you:

- Practical advice about what to do and who to talk with, including phone numbers and addresses
- Links to resources that can help

This tip sheet explains steps you can take within the nursing home to deal with your concerns about quality of care. It tells you how to contact places that regulate or oversee nursing homes.

### **Is it worth it to pursue a concern about quality?**

For many of us, it's not easy to act on a concern about the quality of care we or our loved ones receive. The process can be stressful, frustrating and take a long time. In the end, it's possible that others may not agree with the way we see the situation.

Is it worth the time and energy to take action on concerns about the quality of nursing home care? Only you or your loved one can decide. In making the decision, think about the continued harm that might take place if you do nothing—and think about how the actions you take might lead to better care for future residents and their families.

### **What is quality of care?**

Quality health care is doing the right thing, at the right time, in the right way, for the right person—and having the best possible results.

### **What are some of your quality of care rights in a Pennsylvania nursing home?**

Under the law, you have the right to:

- Be fully informed of all of your rights and responsibilities
- Receive quality services
- Be treated with respect
- Complain

For more information, see this information about General Consumer Rights and Responsibilities:

[http://www.longtermcare.state.pa.us/portal/server.pt/community/consumer\\_rights/4008](http://www.longtermcare.state.pa.us/portal/server.pt/community/consumer_rights/4008)

## **What types of quality concerns might you see in a nursing home?**

Health care quality concerns could arise for a variety of reasons in a nursing home. Some might relate to how well the whole staff works together or whether there is enough staff to provide care for residents. Other quality concerns might result from a specific action a staff member takes (or doesn't take), such as giving you a drug that you shouldn't get or giving too many drugs. Some of these actions may not affect your health at all; some may cause inconvenience or pain; others may cause serious harm.

Staff who physically harm, abuse or neglect patients are always cause for major concern. They put you, your loved one and other residents in what is called “immediate jeopardy”—a situation that may lead to serious injury or death.

## **What steps should you take if you have a concern about quality?**

### **Step 1 — Talk with a nursing home staff member who can fix the problem.**

For many quality concerns, it's often best to try to talk with staff at the nursing home first. You can talk with the social worker, a nurse, the administrator (head of the nursing home), or another trusted staff member. You could put your concerns in writing and ask for a written response. You might also bring your concerns to the resident council, particularly if the concern affects others in the nursing home.

### **Step 2 — Call the Long Term-Care Ombudsman Program.**

If your concern is not fixed within a reasonable time, or if you are not comfortable talking with someone in the nursing home, you can call the Ombudsman Program. This is a program of the Pennsylvania Department of Aging. Ombudsmen are trained staff and volunteers who receive and resolve complaints from residents in nursing homes, personal care homes and other long-term care places. Their services are free. According to federal information, ombudsman received over 2,000 complaints in Pennsylvania in 2012. About half the time (53%), they dealt with the concern to the satisfaction of the person who complained.

All nursing homes are required to post the phone number for their local ombudsman program. You can also find the phone number and additional information about your local ombudsman by county at this website:

[http://www.portal.state.pa.us/portal/server.pt/community/advocacy\\_%28ombudsman%29/19389](http://www.portal.state.pa.us/portal/server.pt/community/advocacy_%28ombudsman%29/19389)

Or you can call the Long Term Living Helpline and ask for information about the Ombudsman program: 866-286-3636

The ombudsman will meet with you and/or a family member in a private setting so you can talk freely. If you allow it, they'll talk with nursing home staff or review records to see if they can solve the problem. You or your family member will be told what the ombudsman finds out about your concern. If you're not happy with the result, or if you want to protect others from possible harm, you can file a complaint with the Pennsylvania Department of Health.

### **Step 3 — File a complaint with the Pennsylvania Department of Health.**

Pennsylvania nursing homes are licensed by the Pennsylvania Department of Health (DOH). This means that they must follow certain rules and regulations in order to care for residents and receive payment. One function of DOH is to receive and investigate complaints about licensed organizations.

The department receives over 1,800 complaints a year about nursing homes. DOH investigators found that 446, or 24%, of the complaints did reveal problems.

You can file a complaint with DOH by:

Calling the Nursing Home Complaint Hotline: 800-254-5164

Sending the complaint online:

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=937981&mode=2>

Sending a complaint by e-mail to: [c-ncomplai@state.pa.us](mailto:c-ncomplai@state.pa.us)

Mail your complaint to:

Division of Nursing Care Facilities  
Room 526  
Health and Welfare Building  
625 Forster St.  
Harrisburg, PA 17120

You should be as specific as possible about your concern if you are writing your complaint. Make sure you keep a copy of what you send. Once DOH receives your complaint, they will send you a letter saying that they have received it.

**The investigation:** Trained staff review the complaint and decide how it should be handled. An investigation begins within 48 hours. Complaints may or may not involve a visit to the nursing home. If there is a visit to the nursing home, it is unannounced—the nursing home administration and staff are not told in advance that a DOH investigator is coming.

Depending on the type of complaint, the DOH investigator may talk to you and other residents and family members, look at medical records, talk to and observe staff members and inspect the facility. After the investigation is done, you will get a letter telling you about the results of the investigation. The letter will include contact information if you have any questions or concerns regarding the investigation.

**What are the outcomes?** If the investigation finds that there was a problem, the nursing home has 10 days to tell DOH what it plans to do to fix the problem. This is called a plan of correction. Once the plan has been approved by DOH, the nursing home is expected to follow it. DOH staff will make another unannounced visit to make sure that the nursing home did follow the plan. If they don't follow

the plan and the problems continue, the nursing home may have to pay a penalty of up to \$500 a day for each problem that is found. Information on complaints and investigation outcomes for nursing homes is available on several websites noted below.

**How long will it take?** Investigations into nursing home complaints are begun within 2 days and are generally completed within 14 days.

**Can your complaint be treated confidentially?** Yes, your complaint can be filed confidentially. You can request that the nursing home not be told that you filed the complaint. The Pennsylvania Department of Health will contact you regarding the outcome of their investigation.

## **What if the nursing home retaliates against you or a loved one for filing a complaint?**

Being concerned about staff punishing you or a loved one is understandable given your dependence on them for care. However, it is absolutely against the law to retaliate against a resident of a nursing home for filing a complaint. If you feel you are being retaliated against, you should contact the Pennsylvania Department of Health or ombudsman program with your concern.

Nursing Home Complaint Hotline: 800-254-5164

Long Term Living Helpline (for referral to an ombudsman program): 866-286-3636

## **Where else can you go with a concern about quality?**

**State Board of Examiners of Nursing Home Administrators:** The head of a nursing home, known as the administrator, is licensed by the State Board of Examiners of Nursing Home Administrators. The Board sets standards for administrators and takes complaints.

If you feel that a nursing home administrator is not fulfilling their duties, you may complain to the State Board: 717-783-7155

For additional information: [http://www.portal.state.pa.us/portal/server.pt/community/state\\_board\\_of\\_examiners\\_of\\_nursing\\_home\\_administrators/12514](http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_examiners_of_nursing_home_administrators/12514)

**Medicare:** If your nursing home care is paid for by Medicare (the federal health insurance program for people over age 65 or people under 65 who are disabled), you have an additional place to go with a quality of care concern. Medicare pays a Quality Improvement Organization (QIO) to take complaints from Medicare patients. In Pennsylvania, that organization is called Livanta.

You can call Livanta at the following number: 866-815-5440. Explain to the person who answers the phone what your concerns are. Depending on the type of problem you are having, they may be able to get help right away. For example, with your permission, they may be able to call the nursing home to see if they can help solve your problem. In other cases, they may ask you to send your complaint in writing using a complaint form.

If you send Livanta a complaint, you will be notified if the care you or your loved one received met the expected standard. Their process is generally focused on improving the performance of nursing homes, not on punishing them.

For more information about the Livanta complaint system and to access an online complaint form:

<http://bfccqioareal.com/>

**Joint Commission:** The Joint Commission is a non-profit organization that evaluates and accredits (judges the quality of organizations against a set of rules or standards) health care organizations across the country. Not all nursing homes are accredited by the Joint Commission. Those that are must follow the Joint Commission's complaint process.

To find out if the Joint Commission has accredited your nursing home, search for it in the Quality Check database: <http://www.qualitycheck.org/consumer/searchQCR.aspx>

Information about the complaint process at the Joint Commission:

[http://www.jointcommission.org/report\\_a\\_complaint.aspx](http://www.jointcommission.org/report_a_complaint.aspx)

## **What should you do if you're not getting any response?**

**Pennsylvania Legislators:** If you are not hearing back from the nursing home or you have other concerns about the way you're being treated, you can call your Pennsylvania General Assembly member and senator. They have staff who assist people living in their districts who aren't getting the help they need.

List of Pennsylvania Legislators:

<http://www.legis.state.pa.us/cfdocs/legis/home/findyourlegislator/index.cfm>

## **Where can you find information about Pennsylvania nursing homes?**

There are several online resources you can check for information about the quality of care provided in Pennsylvania nursing homes:

### **Nursing Care Facility Locator:**

A Pennsylvania Department of Health website that provides information about inspection results and staffing in nursing homes.

<http://app2.health.state.pa.us/commonpoc/nhLocator.asp>

### **Long Term Living in Pennsylvania:**

A state website that provides access to information about long-term living services and planning resources for older adults. Includes tools to help determine your needs and caregiver support services.

[http://www.longtermcare.state.pa.us/portal/server.pt/community/long\\_term\\_living\\_home/3950](http://www.longtermcare.state.pa.us/portal/server.pt/community/long_term_living_home/3950)

### **Nursing Home Compare:**

A federal website that includes information on problems found during regular surveys and complaint investigations. Also includes information on the quality of nursing home care.

<http://www.medicare.gov/nursinghomecompare/search.html>

## **Other useful information:**

If you are concerned about the quality of care in a Pennsylvania hospital, managed care plan (HMO) or doctor's office, or with the care provided by registered nurses, here's where to go for more information:

### **Doctors**

What to Do if You Have a Concern About the Quality of a Pennsylvania Doctor

<http://www.informedpatientinstitute.org/PHYQuality-PA.php>

### **Hospitals**

What to Do if You Have a Concern About Quality in a Pennsylvania Hospital

<http://www.informedpatientinstitute.org/HOSQuality-PA.php>

### **Managed Care/HMOs**

Bureau of Managed Care

Pennsylvania Department of Health

[http://www.portal.state.pa.us/portal/server.pt/community/managed\\_care/14157](http://www.portal.state.pa.us/portal/server.pt/community/managed_care/14157)

Health Care section of the Pennsylvania Office of the Attorney General

<http://www.attorneygeneral.gov/seniors.aspx?id=395>

### **Registered Nurses**

Pennsylvania State Board of Nursing

[http://www.portal.state.pa.us/portal/server.pt/community/state\\_board\\_of\\_nursing/12515/consumer\\_information/572053](http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_nursing/12515/consumer_information/572053)

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