



What to Do if You Have a Concern about Quality in a South Carolina Nursing Home

Advice and resources for dealing with quality concerns

Nursing homes in South Carolina provide continuous skilled nursing and supportive services to residents. South Carolina has over 190 licensed nursing homes, and most provide quality care most of the time. However, there are times 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 South Carolina nursing home?

Under the law, you have:

- The right to self-determination
- The right to privacy in medical treatment, personal visits and meetings
- The right to information about your care and about the facility
- The right to voice complaints

For more information, see this information about resident rights:

http://aging.sc.gov/SiteCollectionDocuments/R/ResidentsRights_WebVersion_Sg1e.pdf

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.

In South Carolina, the top 5 complaints to the state's Long Term Care Ombudsman in nursing facilities concern:

- Improper handling
- Physical abuse
- Staff attitudes towards dignity and respect
- Gross neglect
- Verbal abuse

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 Long Term Care Ombudsman Program. This is a program of the South Carolina Office on Aging. Ombudsmen receive and resolve complaints from residents in nursing homes, personal care homes and other long-term care places. Their services are free. The Ombudsman Program received over 8,000 complaints about long-term care facilities (including assisted living facilities) in South Carolina in 2011, and 87 percent of those complaints were resolved 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://aging.sc.gov/SiteCollectionDocuments/Brochures/2011%20LTCOP.pdf>

Or you can call: 800-868-9095

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 South Carolina Department of Health and Environmental Control.

Step 3 — File a complaint with the South Carolina Department of Health and Environmental Control.

South Carolina nursing homes are licensed and certified by the South Carolina Department of Health and Environmental Control (DHEC). This means that the home must follow certain federal and state rules in order to care for residents and receive payment. One function of DHEC is to receive and investigate complaints about nursing homes.

According to a federal government report, South Carolina had one of the lowest rates of complaints about nursing homes in the country. In 2009, there were 178 complaints about nursing homes in the state. Of that number, 168 were investigated, and almost a quarter of those (23%) were “substantiated” or found to be true.

Submitting the complaint: You can file a complaint with the DHEC Bureau of Certification by phone, e-mail or fax:

Phone: 800-922-6735 (voicemail available)

Fax: 803-545-4292

E-mail: rushrf@dhec.sc.gov

Mail to:

SCDHEC
Bureau of Certification/Health Regulation
2600 Bull St.
Columbia, SC 29201

Be as specific as possible about your concern if you are writing your complaint. For example, talk about what happened, when it happened, and where it happened. Make sure you keep a copy of what you send. Once DHEC receives your complaint, they will send you a letter saying that they have received it.

The investigation: What happens next depends on how urgent your concerns are and when they happened. Trained staff review the complaint and decide how it should be handled (a process called “triage”). If the complaint involves death or serious harm, it is called a “priority” complaint or immediate jeopardy. In this case, investigators from DHEC should be at the nursing home investigating within 2 days. All other complaint investigations are begun within 10-45 days depending on how serious they are.

Complaint investigations that involve a visit to the nursing home are unannounced—the nursing home administration and staff are not told in advance that a DHEC investigator is coming.

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

What are the outcomes? If the investigation finds that there was a problem, the nursing home has 10 days to write down what it plans to do to fix the problem. This is called a plan of correction. Once the plan has been approved, the nursing home is expected to follow it. If they don't follow the plan and the problems continue, the nursing home may have to pay a penalty. Information on complaints and investigation outcomes for nursing homes is available on the federal “Nursing Home Compare” website below:

<http://www.medicare.gov/NursingHomeCompare/search.aspx>

Can you remain anonymous when you file a complaint?

You have the right to remain anonymous when you file a complaint—that is, to not give your name or contact information. Note that if your complaint is filed this way, you won't be able to follow up or receive information about what happened. You can talk with the Long Term Care Ombudsman about the pros and cons of remaining anonymous in your case.

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 or a loved one are being retaliated against, you should contact the Ombudsman Program or the South Carolina Department of Health and Environmental Control (DHEC) with your concern.

DHEC Phone: 800-922-6735 (voicemail available)

Find the phone number of your local Ombudsman by county at this website:
<http://aging.sc.gov/SiteCollectionDocuments/Brochures/2011%20LTCOP.pdf>

Where else can you go with a concern about quality?

South Carolina Board of Long Term Care Health Care Administrators: The head of a nursing home, known as the administrator, is licensed by a board which sets standards for administrators and takes complaints.

If you feel that a nursing home administrator is not fulfilling his or her duties, use the complaint form at the following web address to express your concern and send it to the mailing address below.

<http://www.llr.state.sc.us/POL/LongtermHealthCare/PDF/COMPFORM.pdf>

Send to:

SC Department of Labor, Licensing and Regulation
Office of Investigations and Enforcement
P. O. Box 11329
Columbia, SC 29211-1329
Or Fax to: 803-896-4656

For additional information about the Board of Long Term Care Health Administrators:

<http://www.llr.state.sc.us/POL/LongtermHealthCare/index.asp?file=complaint.htm>

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 KEPRO.

You can call KEPRO at the following number: 844-455-8708. 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 KEPRO 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 KEPRO complaint system and to access an online complaint form: <https://www.keproqio.com/bene/qualityofcarecomp.aspx>

Attorney General's Office: You can call the Medicaid Fraud Control Unit of the South Carolina Attorney General's Office if you have a concern about resident abuse in a nursing home. Examples include physical harm or failure to give needed medical services.

You can also call the Unit if you have a concern about other activities in a nursing home. Examples include providing unnecessary services, billing for medical services that weren't received, billing for more expensive services or billing more than once for the same medical service.

South Carolina Office of the Attorney General: 888-662-4328

For more information: <http://www.scag.gov/medicaid-fraud>

Joint Commission: The Joint Commission is a nonprofit 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

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

South Carolina 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 South Carolina General Assembly representative and senator. They have staff who assist people living in their districts who aren't getting the help they need.

List of South Carolina Legislators: <http://www.scstatehouse.gov/index.php>

Where can you find information about South Carolina nursing homes and staff?

Nursing Home Compare: *A federal website that includes information on problems found during regular surveys and complaint investigations. Also includes performance information on the quality of nursing home care.*

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

South Carolina Nurse Aide Registry Search:

A database where you can search by name for nurse aides to see if they have any history of abuse or neglect of patients.

http://www.asisvcs.com/services/registry/search_generic.asp?CPCat=0741NURSE

Other useful information

If you are concerned about the quality of care in a South Carolina 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:

IPI Doctor Tip Sheet:

What to Do if You Have a Concern about the Quality of Care from a South Carolina Doctor

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

IPI Hospital Tips Sheet:

What to Do if You Have a Concern about Quality in a South Carolina Hospital

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

Managed Care/HMO:

South Carolina Department of Insurance

<https://online.doi.sc.gov/Eng/Public/Consumer/Complaint.aspx>

Registered Nurses:

South Carolina Board of Nursing

<http://www.llr.state.sc.us/pol/nursing/index.asp?file=boncomplaintproc.htm>

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www.informedpatientinstitute.org

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