



Written Testimony of

The Pennsylvania Health Care Association

**Delivered by
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**For A
Public Hearing on Elder Abuse**

Delivered at the New Hope Eagle Fire Company

**Before the
House Aging and Older Adult Services Committee**

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Good morning Chairman Day, Chairman Samuelson, members of the House Aging Committee, legislation sponsors and invited guests,

Thank you for the opportunity to participate in today's hearing. My name is Zach Shamberg and I am the president and CEO of the Pennsylvania Health Care Association, better known as PHCA.

A bit about our association: we advocate on behalf of more than 81,000 Pennsylvania seniors in skilled nursing facilities, assisted living residences and personal care homes across the state and the 40,000 caregivers who provide compassionate, high quality care each and every day.

It's important to note that I am speaking to you today not just as an advocate, not just as a representative of PHCA, but as a family member of someone currently residing in a long-term care facility.

Last year, my family made the very difficult decision to place my grandfather into long-term care - first, in a nursing home, and then in an assisted living residence.

Five years ago, we learned he had dementia. And last year, we came to the realization that he could not live at home, unsupervised, any longer.

It has been a struggle ever since. And it was one of the toughest decisions we've ever been forced to make.

Some members of this committee may have had to make a similar decision at some point. Or you're currently struggling with that decision for a loved one.

So 'elder abuse' is not only an important issue for PHCA and our membership and thousands of families across the Commonwealth, it is very important to me and my family.

That's why I'm proud to represent the providers who belong to PHCA. The members of our association are dedicated to serving and protecting our frailest and most vulnerable residents.

The number one priority of our members is the safety of the residents entrusted to our care. We have zero tolerance for actions that jeopardize their safety, dignity and wellbeing.

And the results show just that. Over the past several years, we've seen tremendous improvements in the quality of care provided to residents.

Since launching a national quality initiative in 2012, we've seen fewer hospital readmissions, fewer residents receiving antipsychotic medications, and more people are returning to their homes - more quickly - than ever before. And in just the last four years, Pennsylvania has shown improvement in 19 of the 23 national quality measures set out for this sector.

So, given those statistics, and the improvements in overall care in our state, why is combating elder abuse still such a critical conversation?

Because, unfortunately, even with every precaution our providers take today, healthcare - and long-term care - is a human business. And, unfortunately, mistakes may happen.

Last year, the United States Senate chose to focus on elder abuse in a series of hearings. And from those hearings came many new proposals.

The Special Focus Facility list, for example, was amplified and is now reported out to consumers on a monthly basis, warning families about facilities on the CMS 'watch list'.

The red hand, or 'do not proceed' icon, on the Nursing Home Compare website was born, in which a single, isolated instance of abuse will spur the introduction of a glaring, red icon next to a nursing home that says only one thing to a consumer: 'Don't send your loved one here!'.

And countless pieces of legislation were introduced, each attempting to counteract any instance of elder abuse in the long-term care continuum.

Our national organization, the American Health Care Association, was asked to participate in those hearings. And I'll say now what they said then: Abuse and neglect have no place in the nursing home setting or in any health care setting. And even one report of abuse or neglect, though not a sign of systemic failure, is one too many.

That's why we've made it a priority to work so closely with this Committee, the Wolf Administration and other stakeholders, including those testifying today, to ensure protections are in place. Whether it's this series of bills, or the Older Adult Protective Services Act, we're proud to help lead this fight.

Our providers are proud to lead as well. Even in the face of inadequate Medicaid reimbursement, a truly terrible legal climate, an overburdensome regulatory environment and the most dramatic workforce crisis this sector has ever seen, PHCA members are going above and beyond to prevent instances of abuse.

In addition to the countless federal and state regulatory requirements already in place ... we have members here in Bucks County, such as the Wilmac Corporation, which operates a skilled nursing facility and assisted living community in Langhorne ... that have developed policies and procedures which establish a number of checks and balances to further safeguard residents to the best of their ability. These include:

- extensive staff education and in-service programs,
- sensitivity trainings,
- reviews of reporting requirements,
- annual abuse trainings,
- grievance procedures,

- compliance lines,
- monthly family and resident council meetings.

And we can point to members across the state who have instituted similar protections.

However, this is a human business, and mistakes will happen.

So legislative packages like this are another avenue to preventing abuse. And, for the most part, we support the legislation being presented today. However, we do have concerns regarding unintended consequences and additional undue burdens and unfunded mandates that will, inevitably, be placed on providers.

For instance: Representative Masser's House Bill 397 leaves several issues up to interpretation and has the potential to encroach on a resident's right to privacy and dignity.

Currently, our members already have individual policies in place to address the use of video monitoring devices in resident care areas. Nursing facilities, as well as assisted living residences and personal care homes, work directly with families on a case-by-case basis to protect and balance the privacy and dignity of our residents with the security and safety of others.

PHCA is happy to work with this Committee, as well as Representative Masser and other sponsors, over the next few weeks and months to make sure this legislation works for residents, providers and staff. And we stand united with you in this fight.

But if we want to truly combat issues in long-term care, and ensure that we attract the best staff and most dedicated individuals, and root out, as best we can, every instance of elder abuse, we must address the harsh realities facing this sector over the next few years.

I mentioned it earlier: inadequate Medicaid reimbursement. A legal climate that leads to millions of Medicaid dollars pouring out of the state. A regulatory climate that rivals that of nuclear power and the TSA. And a workforce crisis that keeps every provider up at night.

The perfect storm is not a George Clooney movie about a fishing boat. The perfect storm is what's happening to long-term care here in Pennsylvania.

And in the third-oldest state, in terms of population, in the entire country, that storm stands to threaten the care for tens of thousands of elderly residents in the years to come.

We're roughly three to five years away from the 'silver tsunami', in which the baby boomers will age into the demographic most in need of long-term care services and supports.

Our fastest growing demographic, today, is age 85 and older.

And today, here in Pennsylvania, providers are, for the first time, operating at margins that have fallen below zero percent. In fact, the average operating margin today is -2.8%.

Our members take very seriously the trust placed in them to care for our loved ones. They take every step possible to ensure their wellbeing.

Let's ensure that we return the favor.

I'm grateful for the opportunity to share this testimony, and we stand ready to work with you on any and all long-term care issues before this committee and the legislature.

I'm happy to answer any questions.