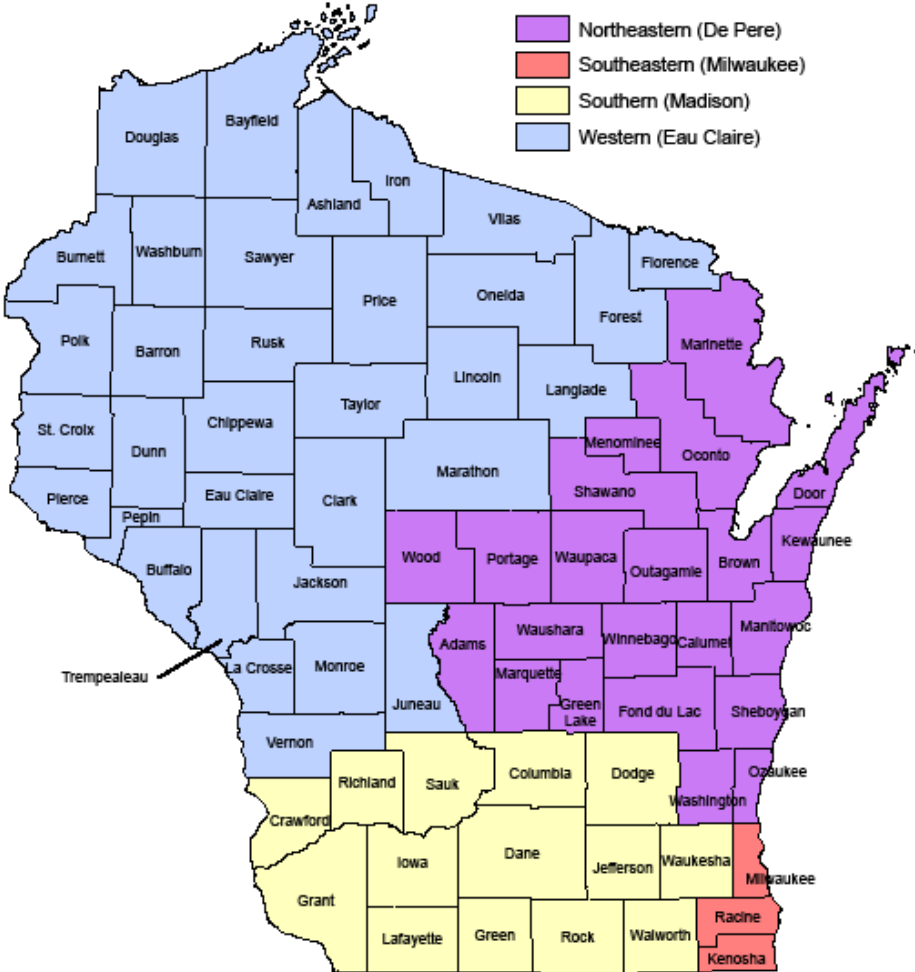




# **“State of Assisted Living”**

Calendar Year 2008

**Bureau of Assisted Living  
Regional Assignments  
April 2009**



**Wisconsin Department of Health Services  
Division of Quality Assurance**

# Where are we going? 2009 - 2010



# New boundaries

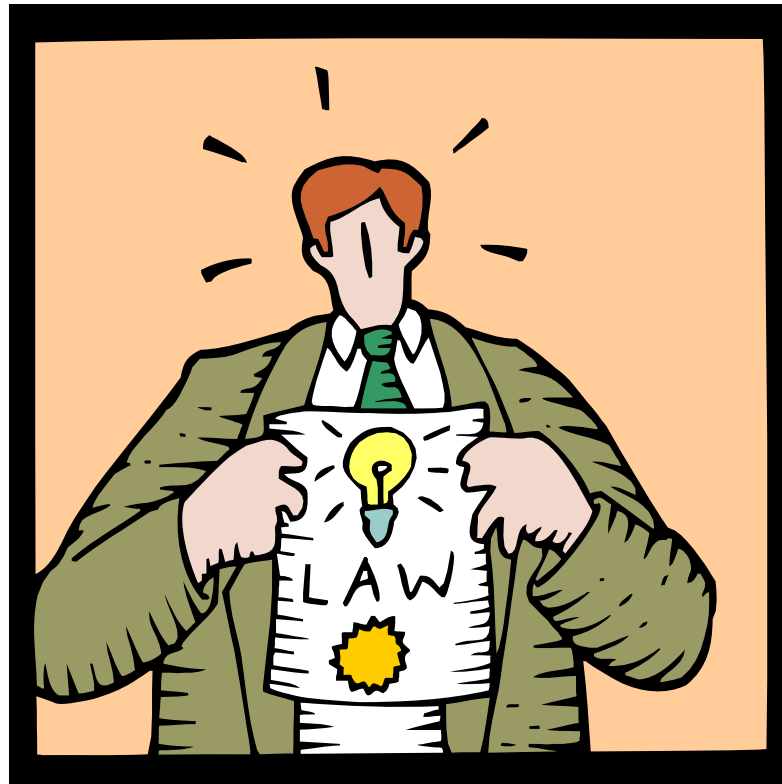


# Continue and Expand Collaborations





# Proactive Compliance



# Implement DHS 83



# CBRF & RCAC – New facility video on Web



Make more information available on the web – statistics, trends, etc.



# Support and Encourage Innovative



Rewrite AFH, DHS 88???



**If passed, certify new 1-2 bed AFH  
in new Family Care counties**



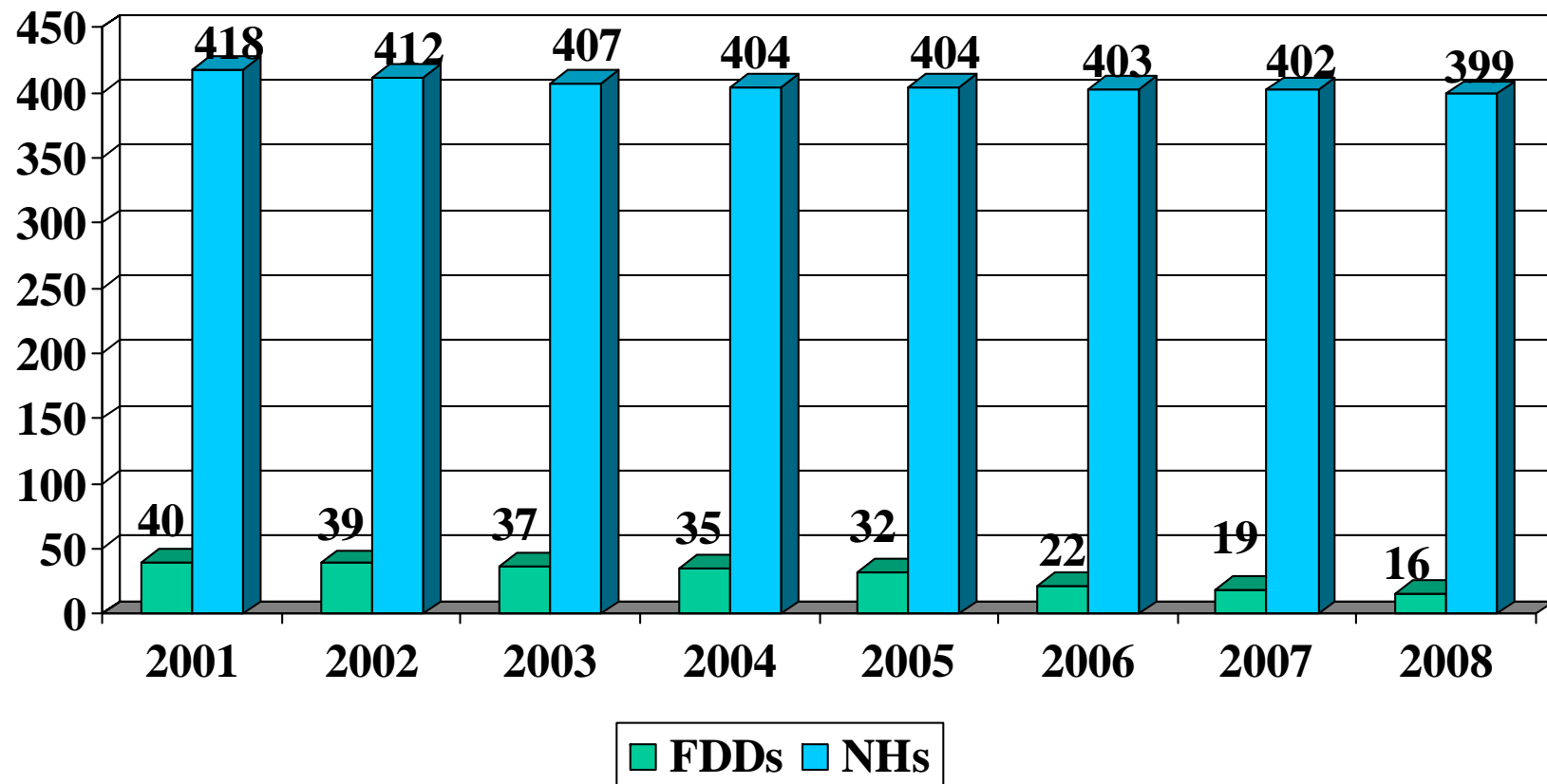
To have the best staff with the tools  
and training to do their job



# **Trends & Statistics**

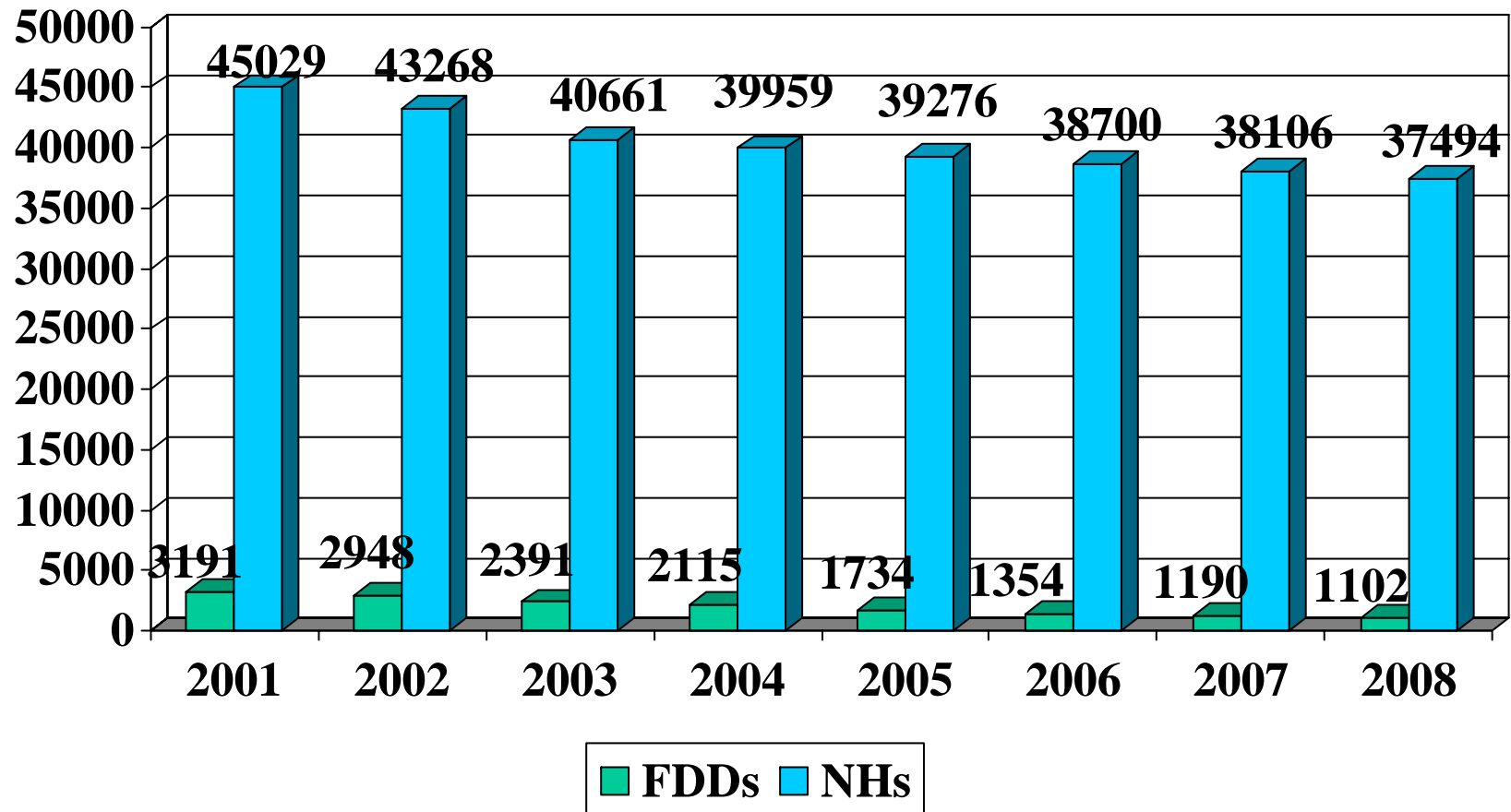
# Nursing Home & FDDs

## Trend in number of facilities

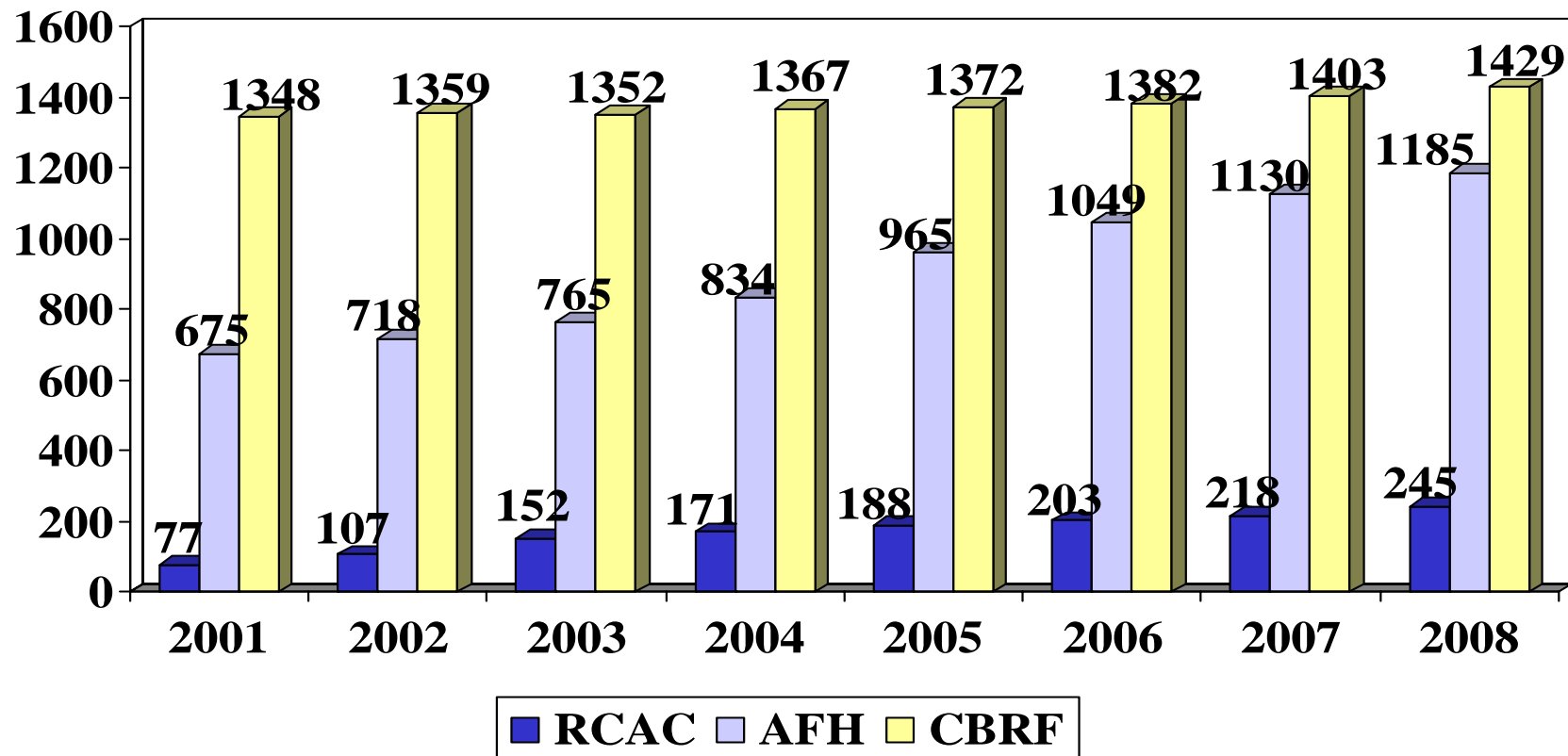


# Nursing Home & FDDs

## Trend in capacity for residents

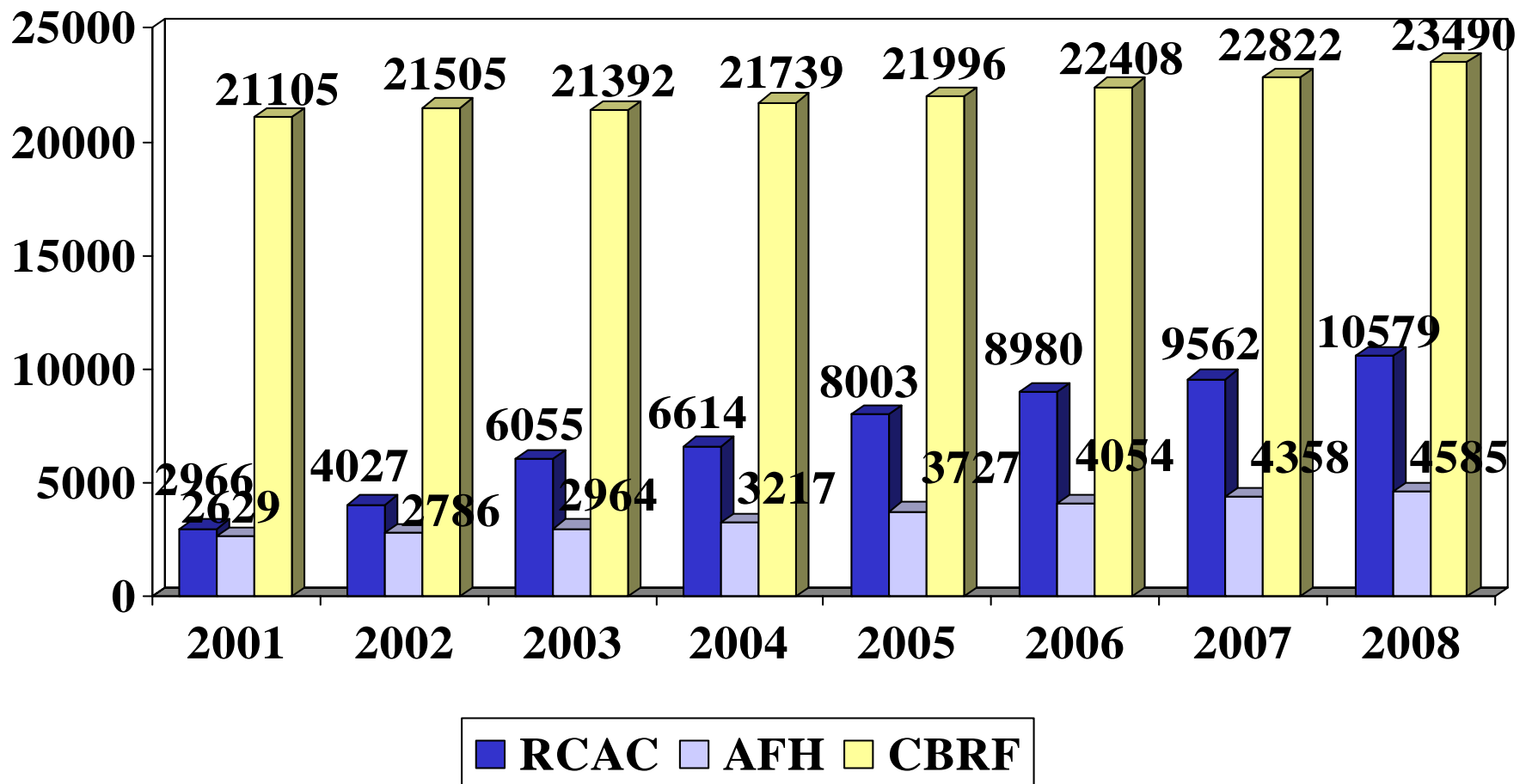


# Assisted Living Trend in number of facilities

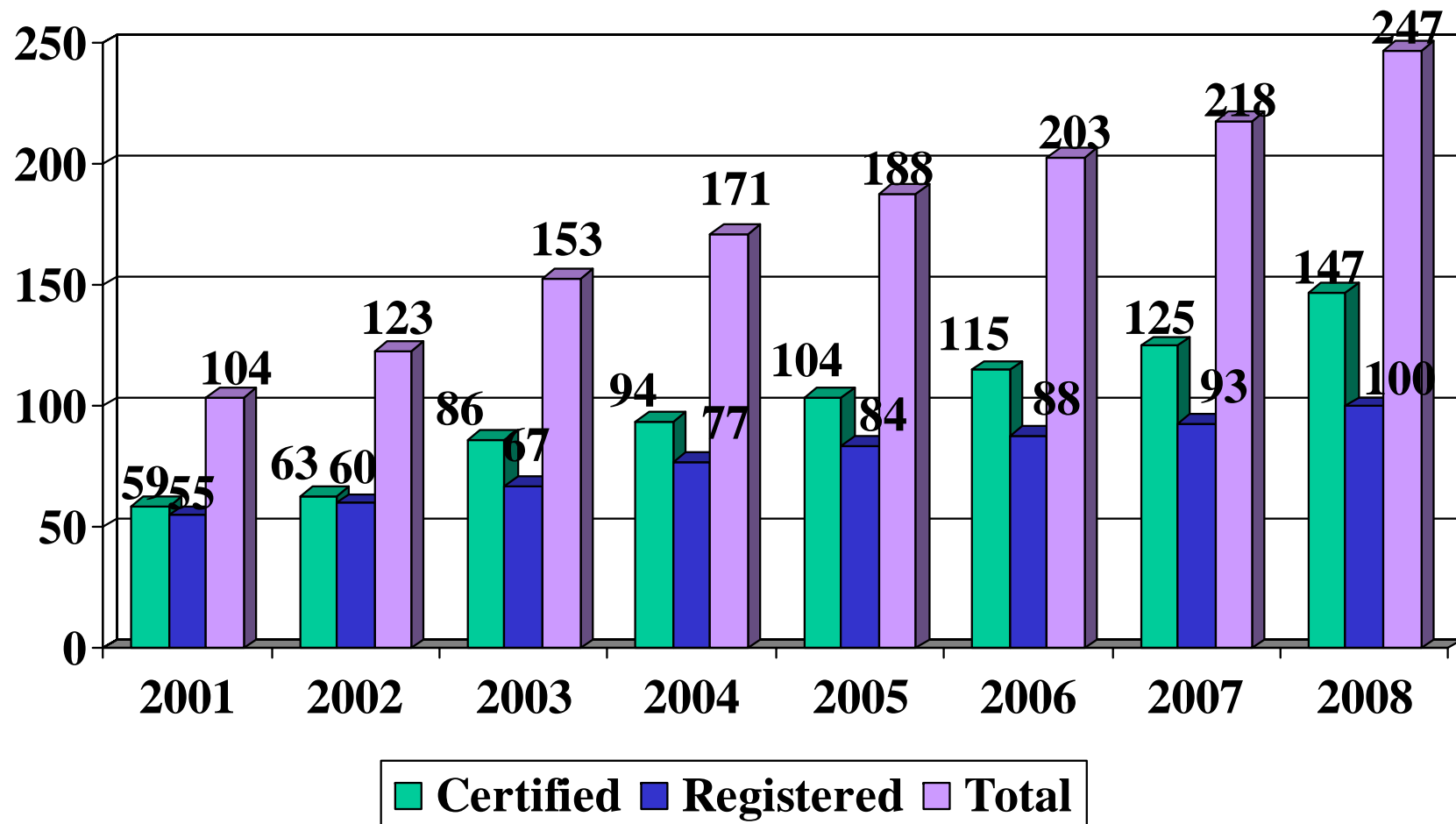


# Assisted Living

## Trend in capacity for residents

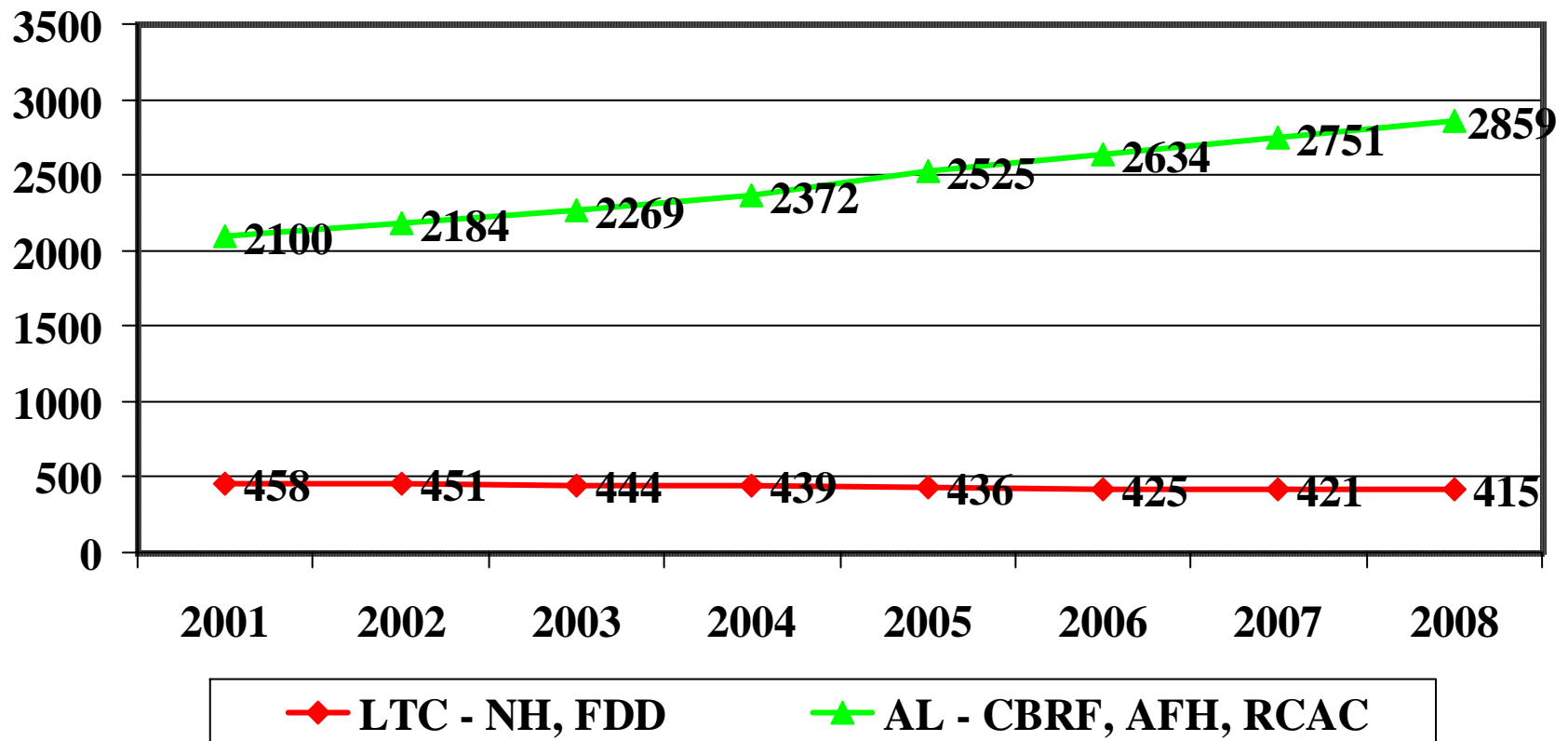


# RCACs Certified vs. Registered



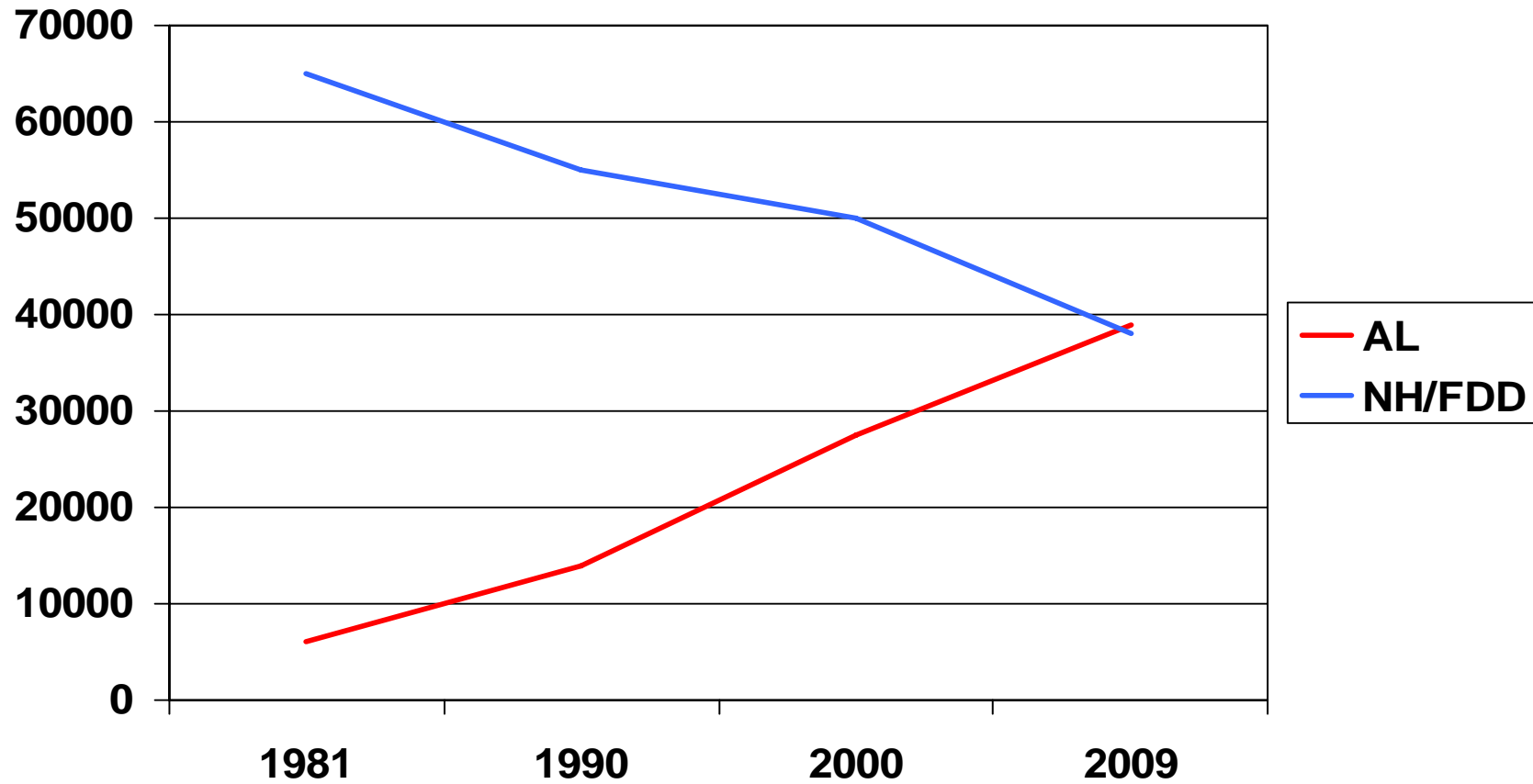
# AL vs. LTC

## Trend in number of facilities



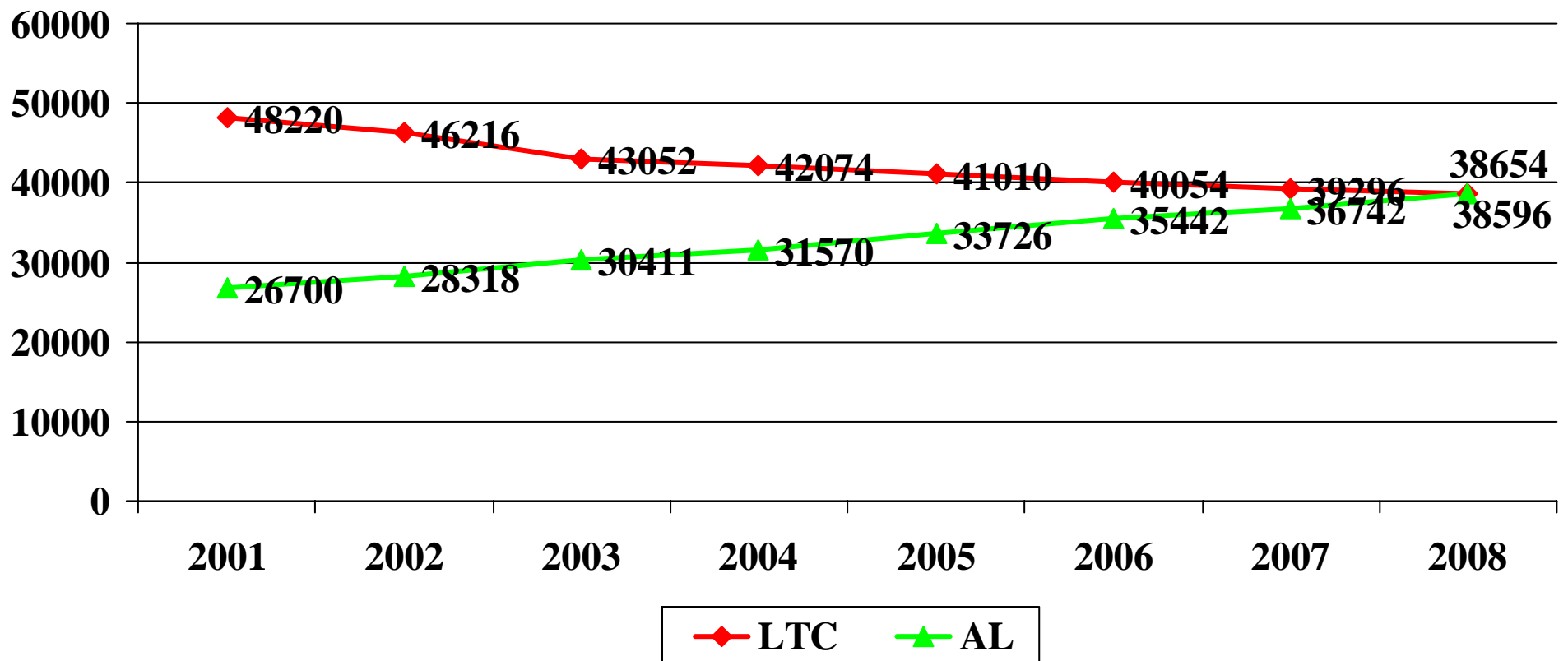
# Shift in Beds - 11/19/2008

## 38,775 AL beds



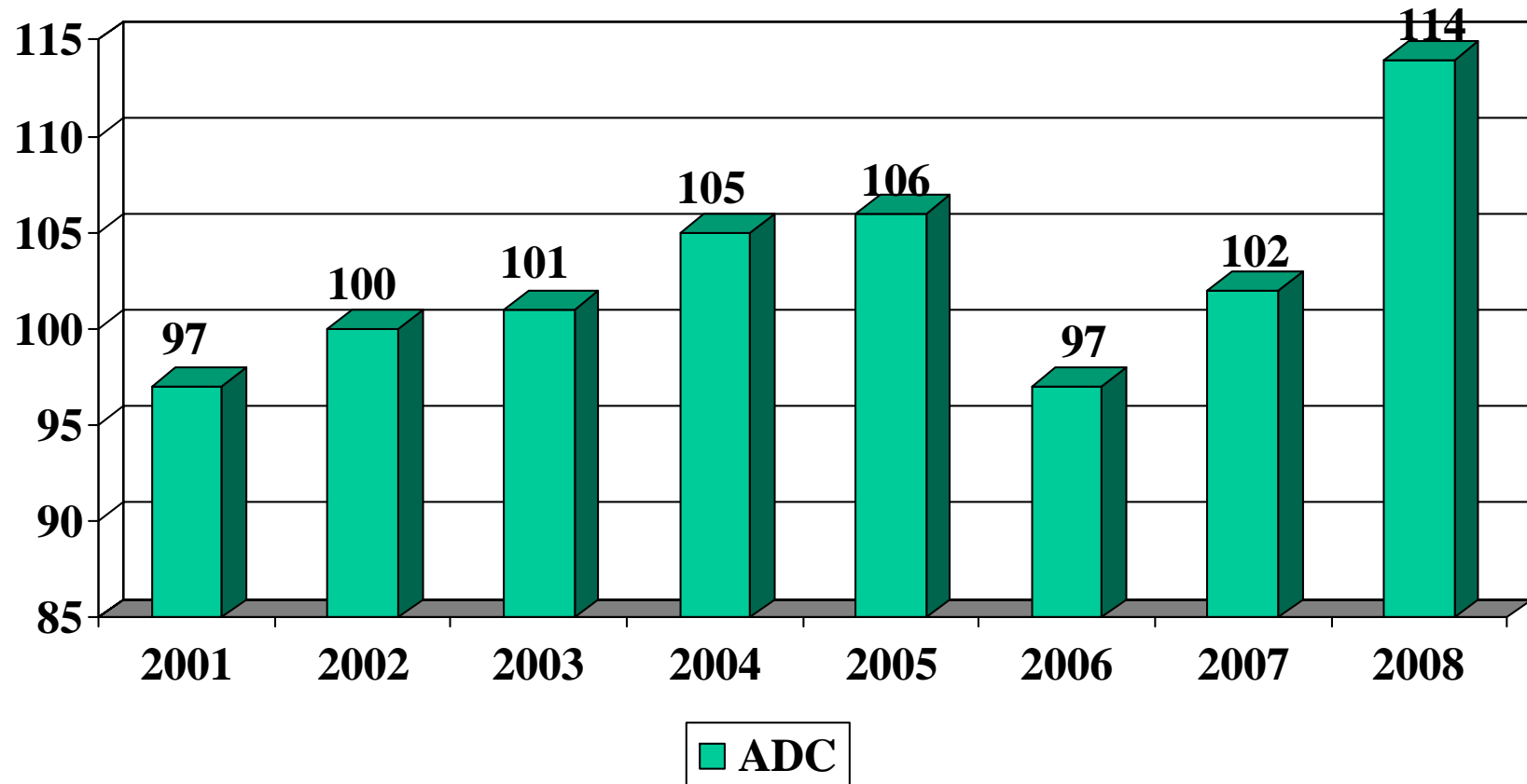
# AL vs. LTC

## Trend in capacity for residents

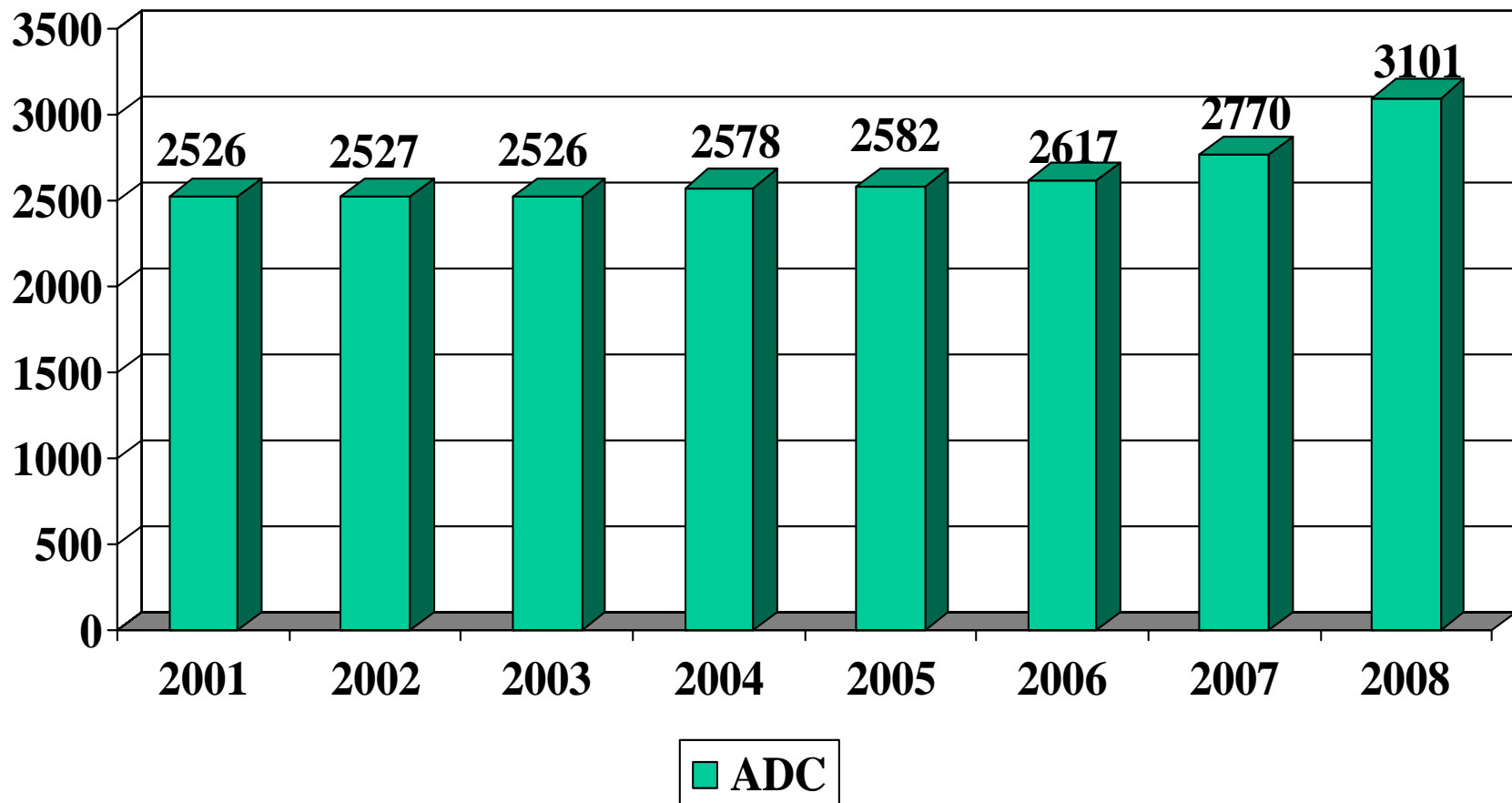


# Adult Day Care Facilities

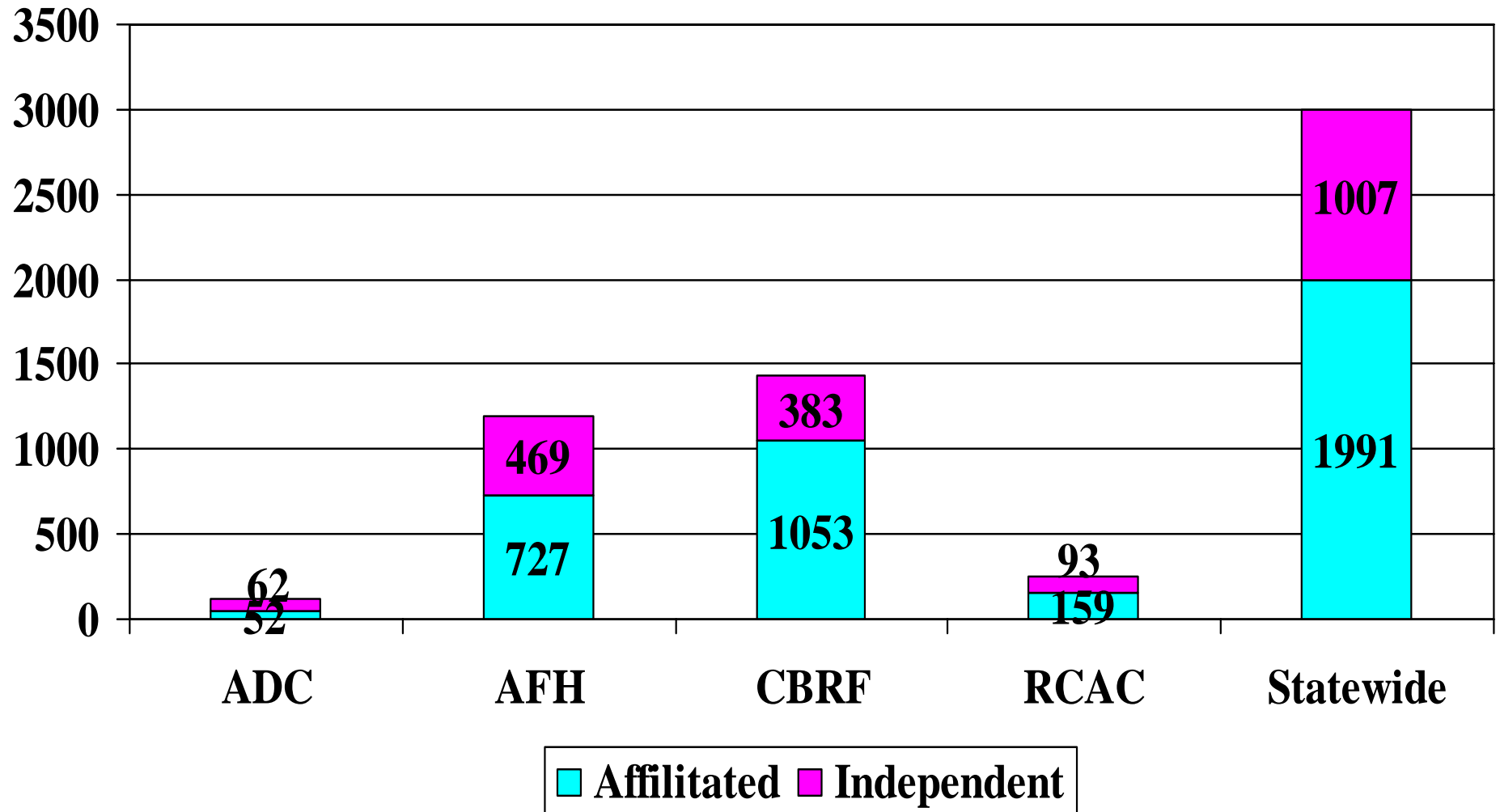
## Trend in number of facilities



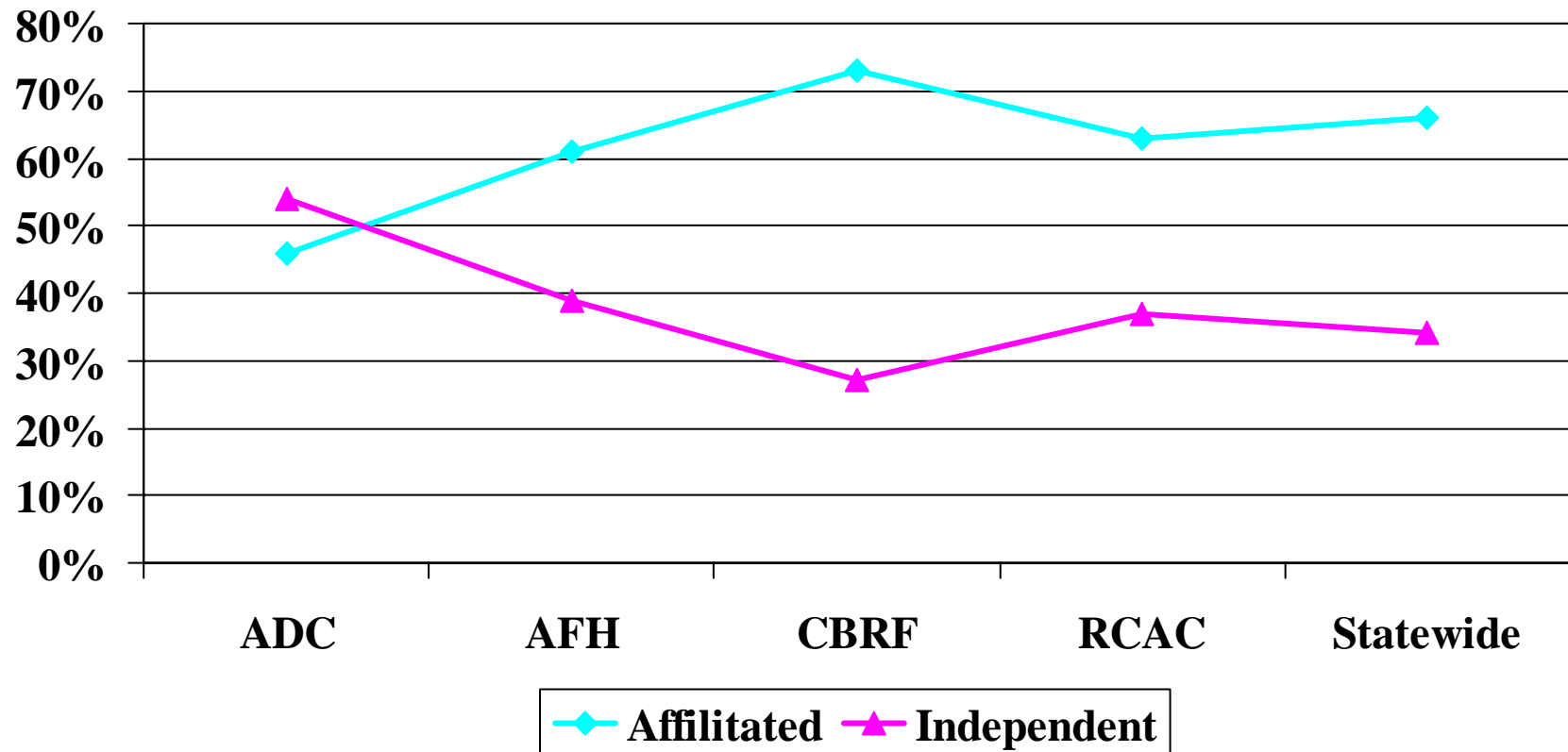
# Adult Day Care Facilities Trend in Capacity



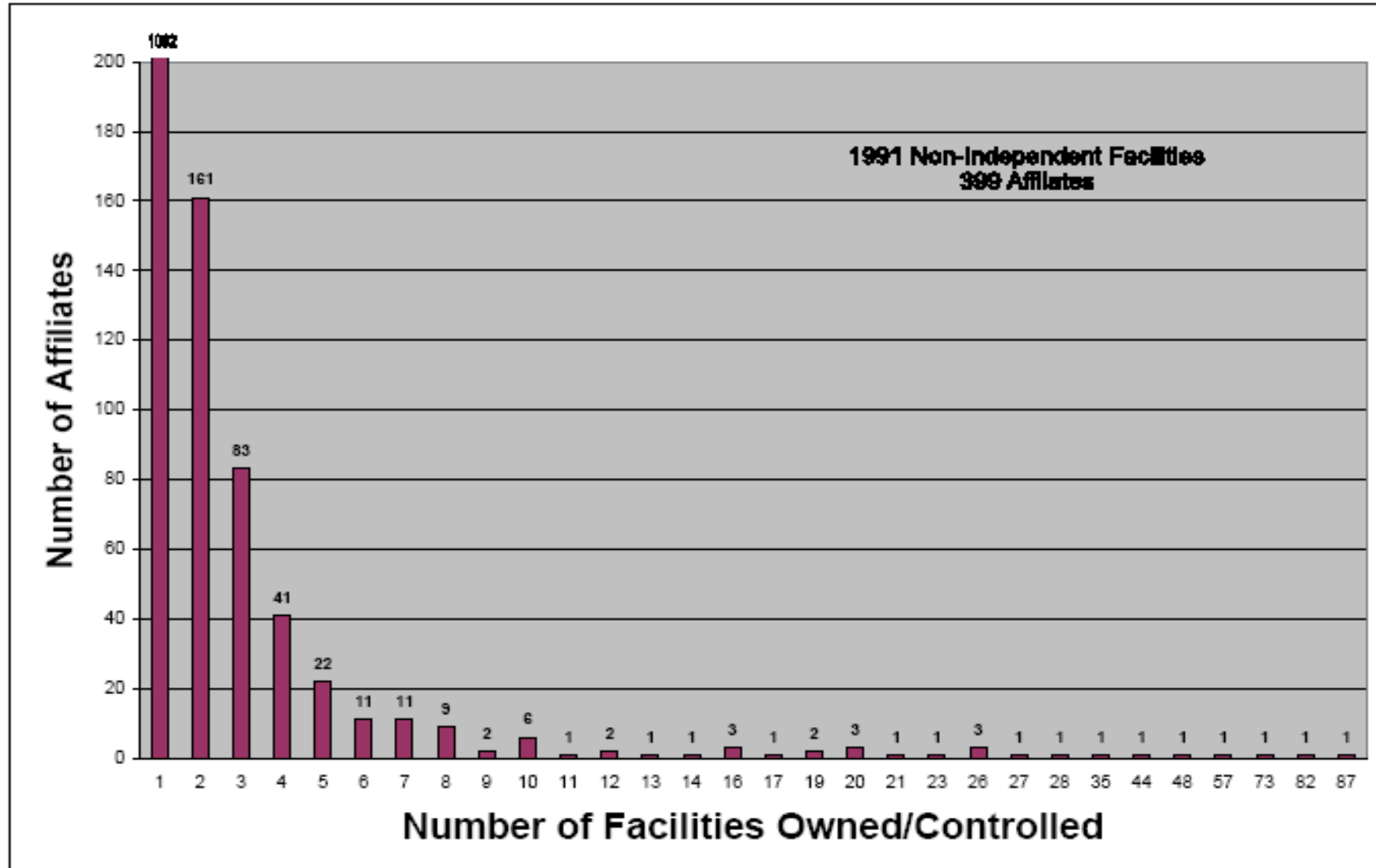
# Facilities affiliated - 2008



# Percent of facilities affiliated - 2008

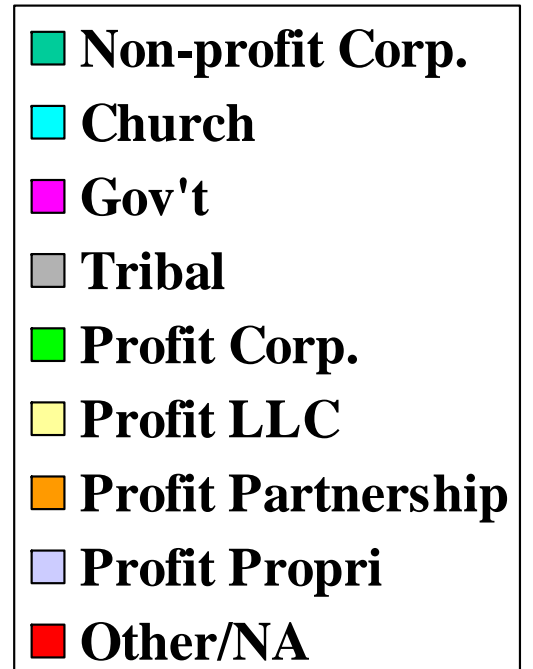
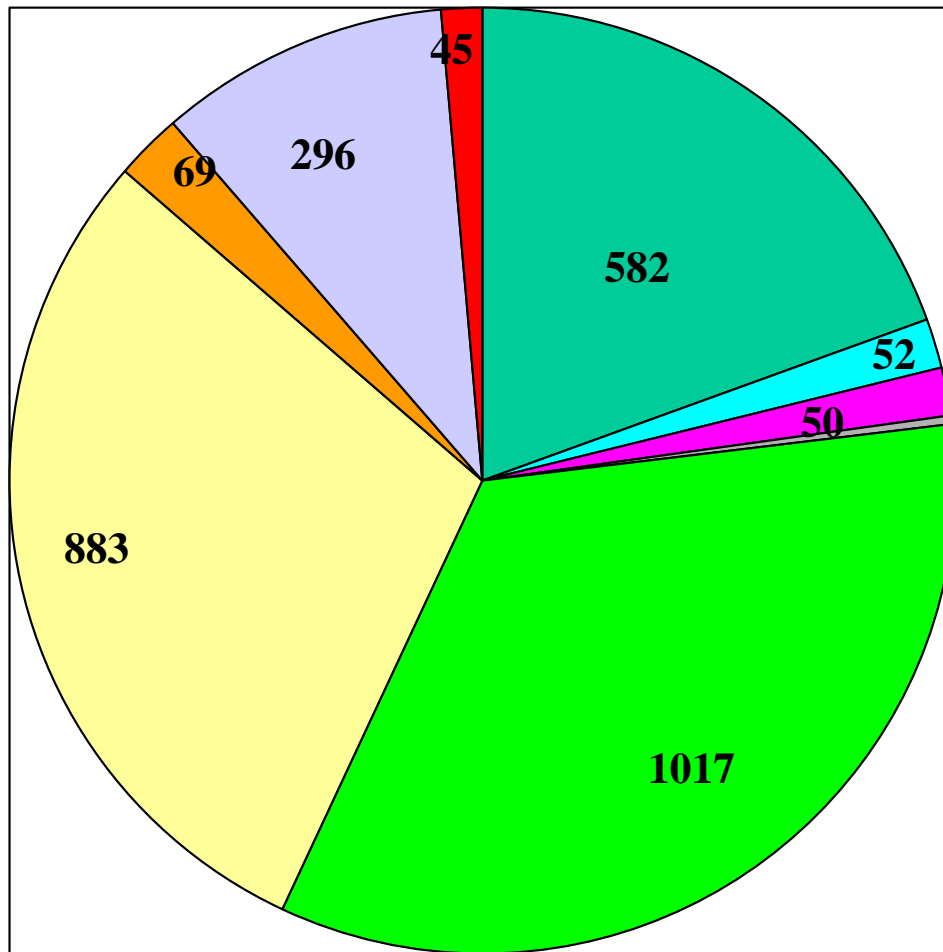


## 2008 Affiliations and Clusters

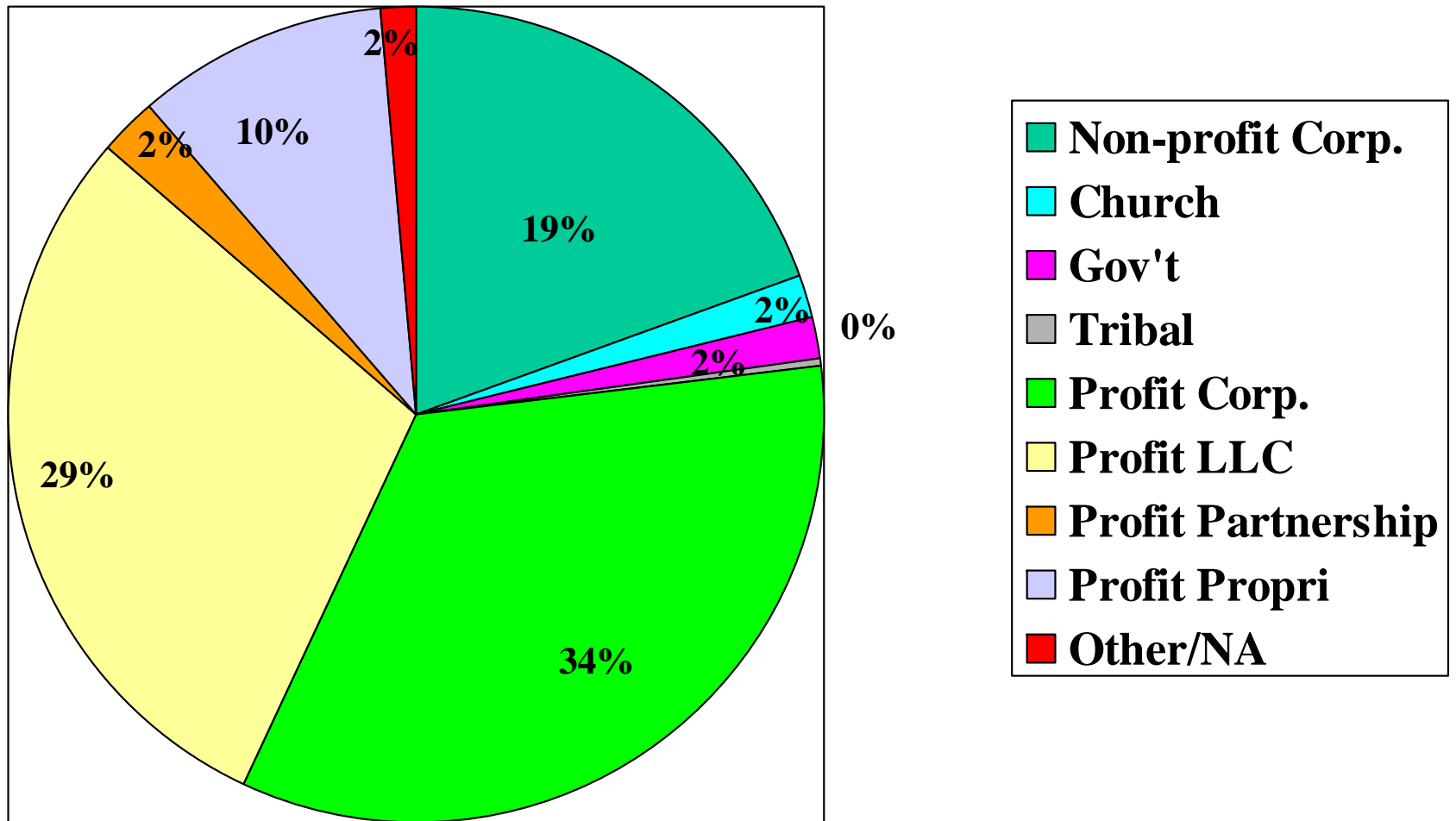


# Ownership by # – All

## 2008

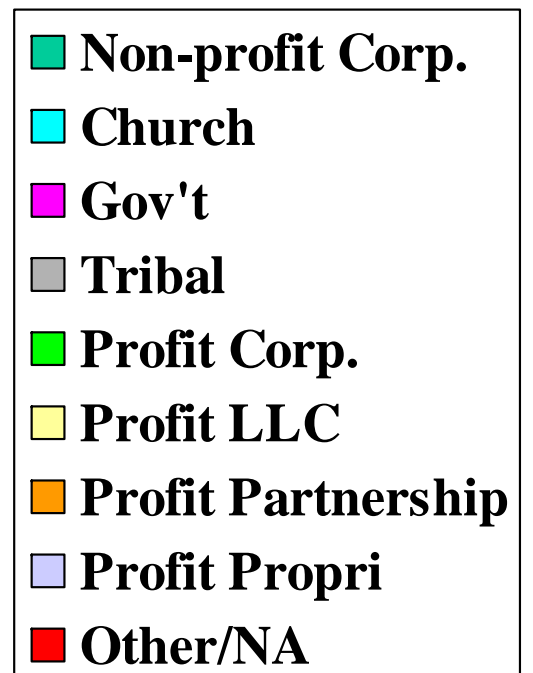
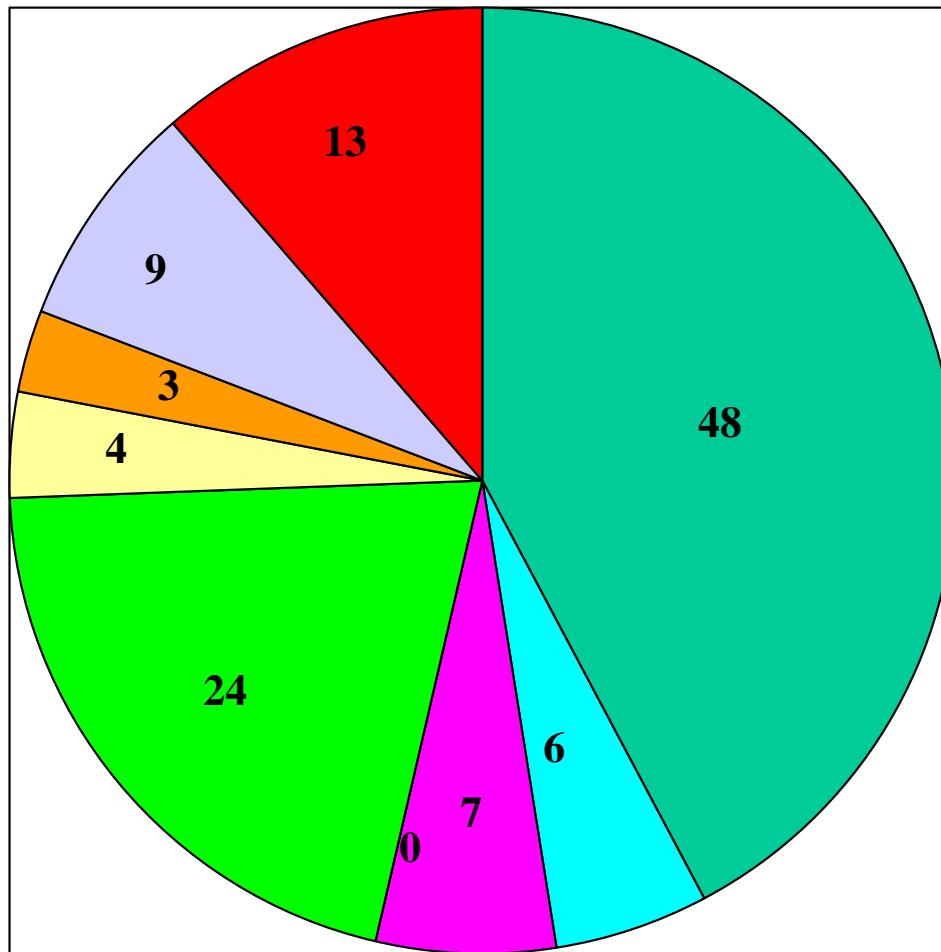


# Ownership by % – All 2008

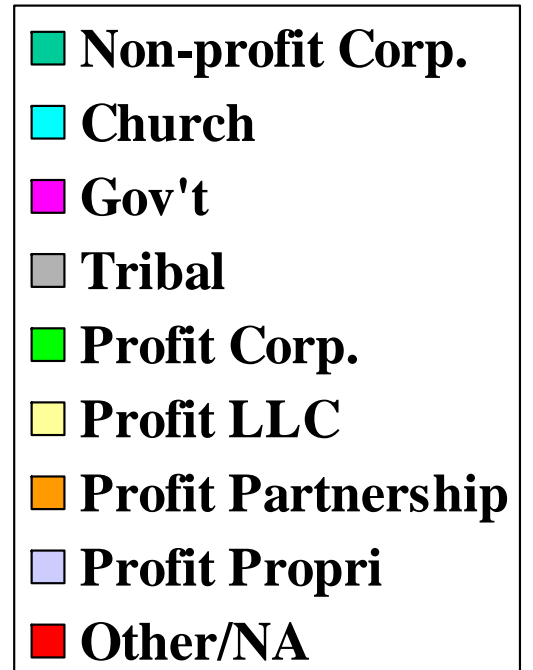
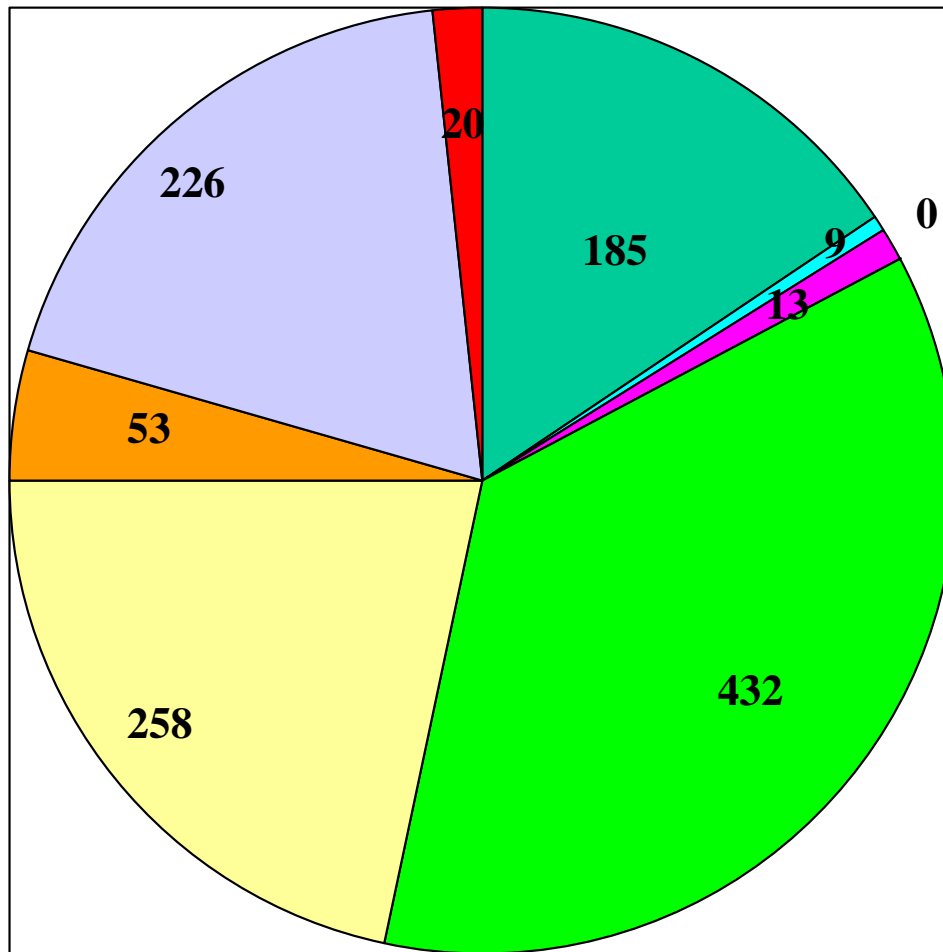


# Ownership - ADC

## 2008

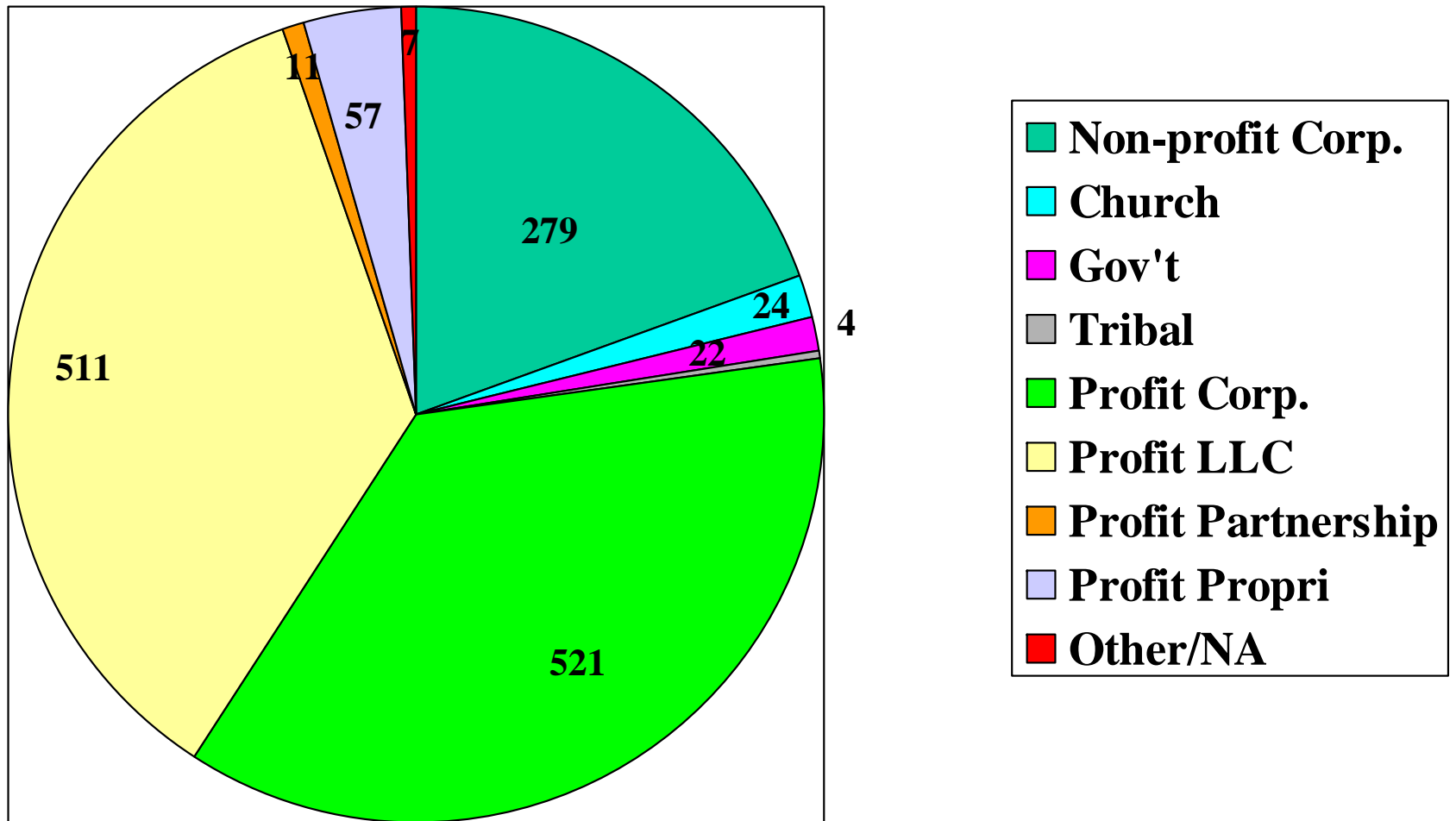


# Ownership - AFH 2008



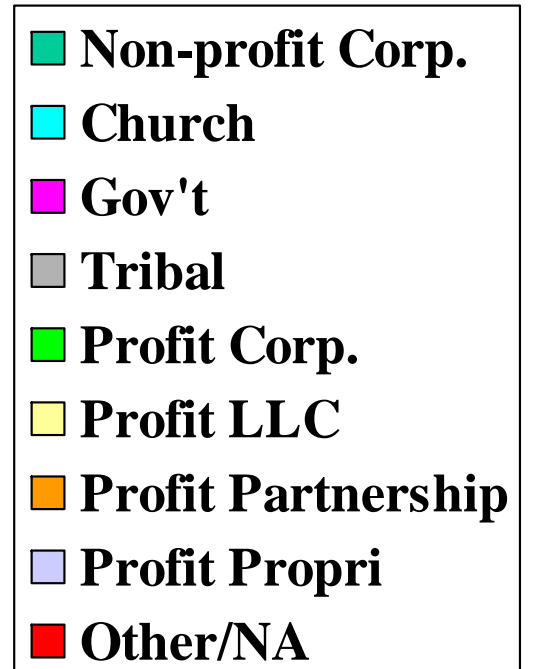
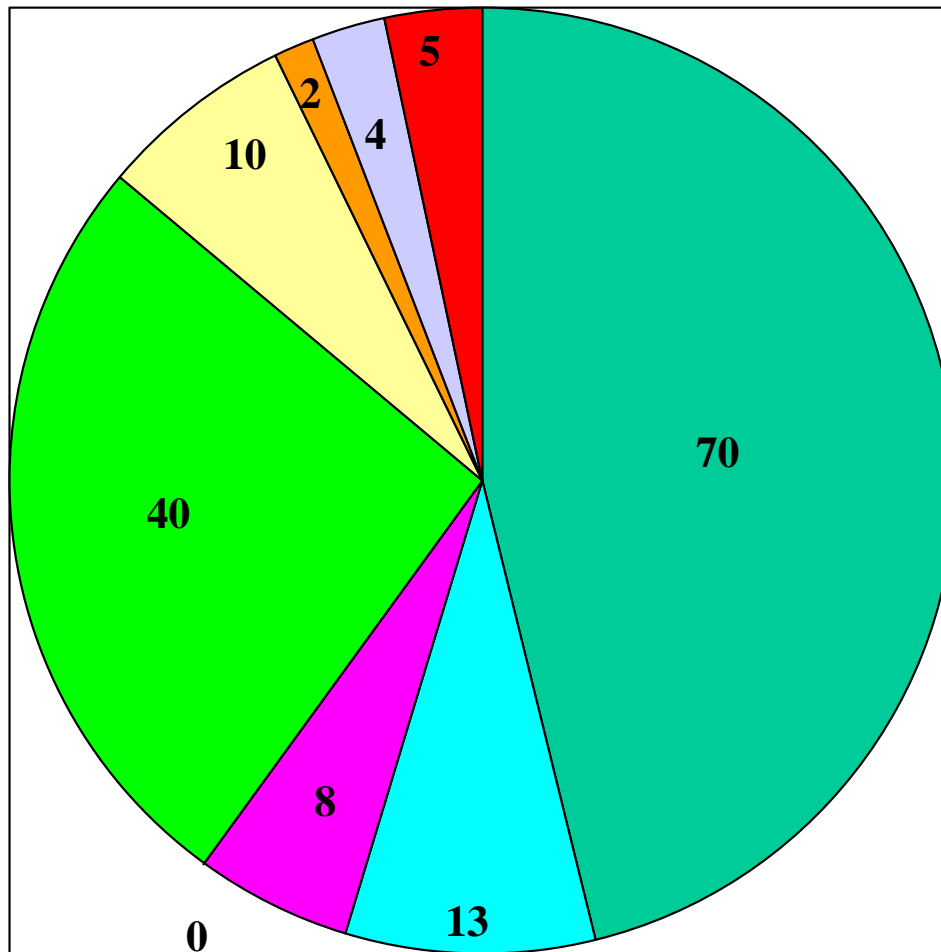
# Ownership - CBRF

## 2008

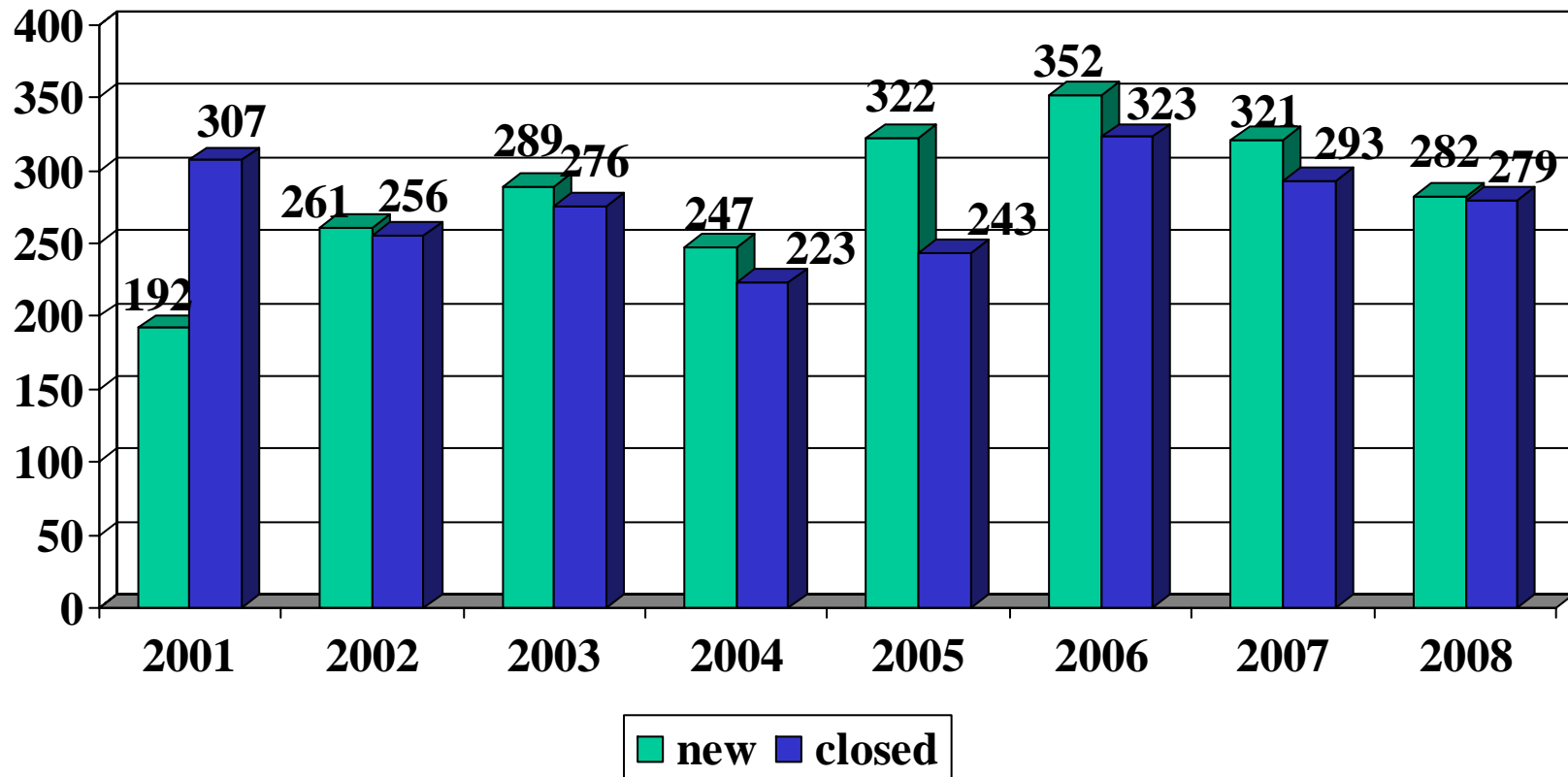


# Ownership - RCAC

## 2008

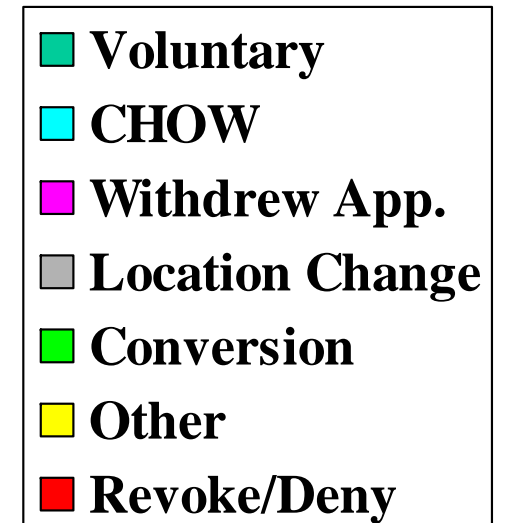
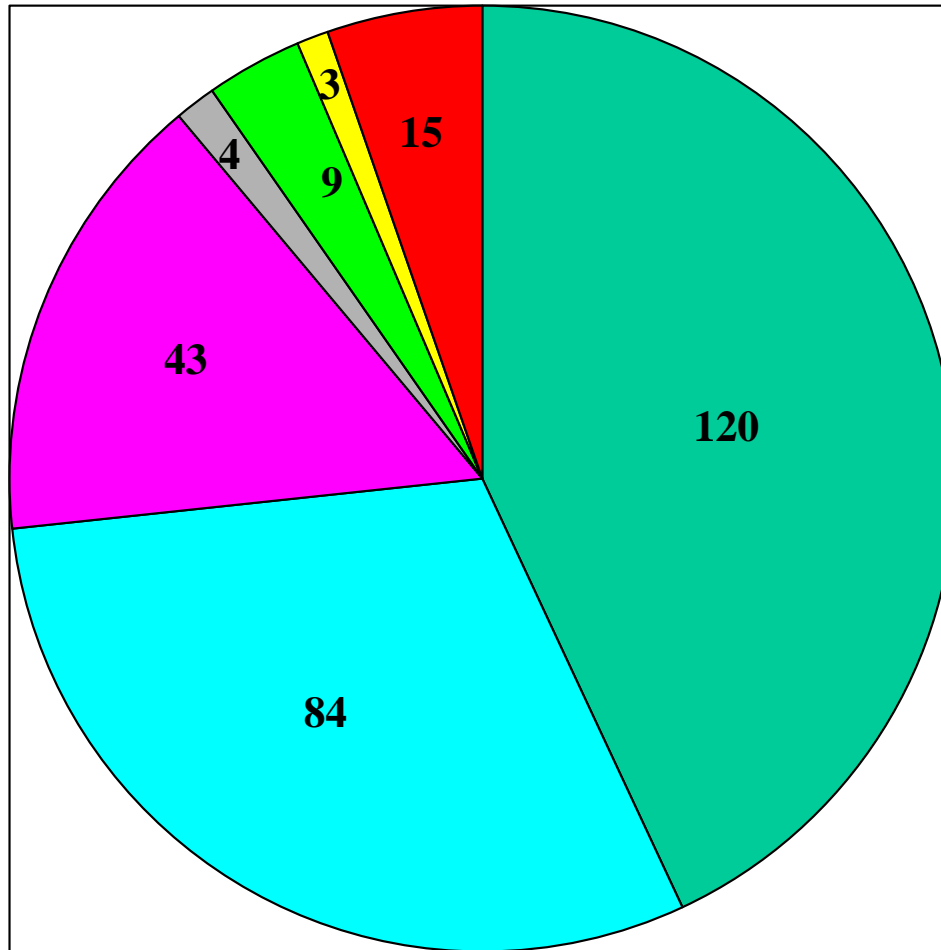


# New AL vs. Closed AL



# Why Facilities Closed

## CY 2008

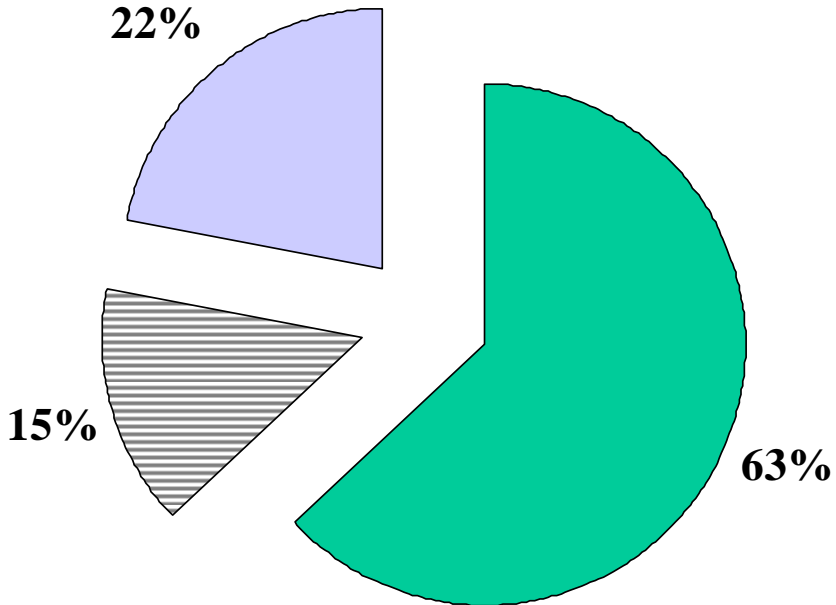


# CY 2008 - Strategy

- Re-commitment to core mission – “Safe-guard and promote the health, safety, well-being, resident and dignity of each resident/tenant”
- Limited resources dedicated to highest priority which includes – serious complaints, verifying compliance and monitoring of facilities with significant non-compliance, issuing new licenses.

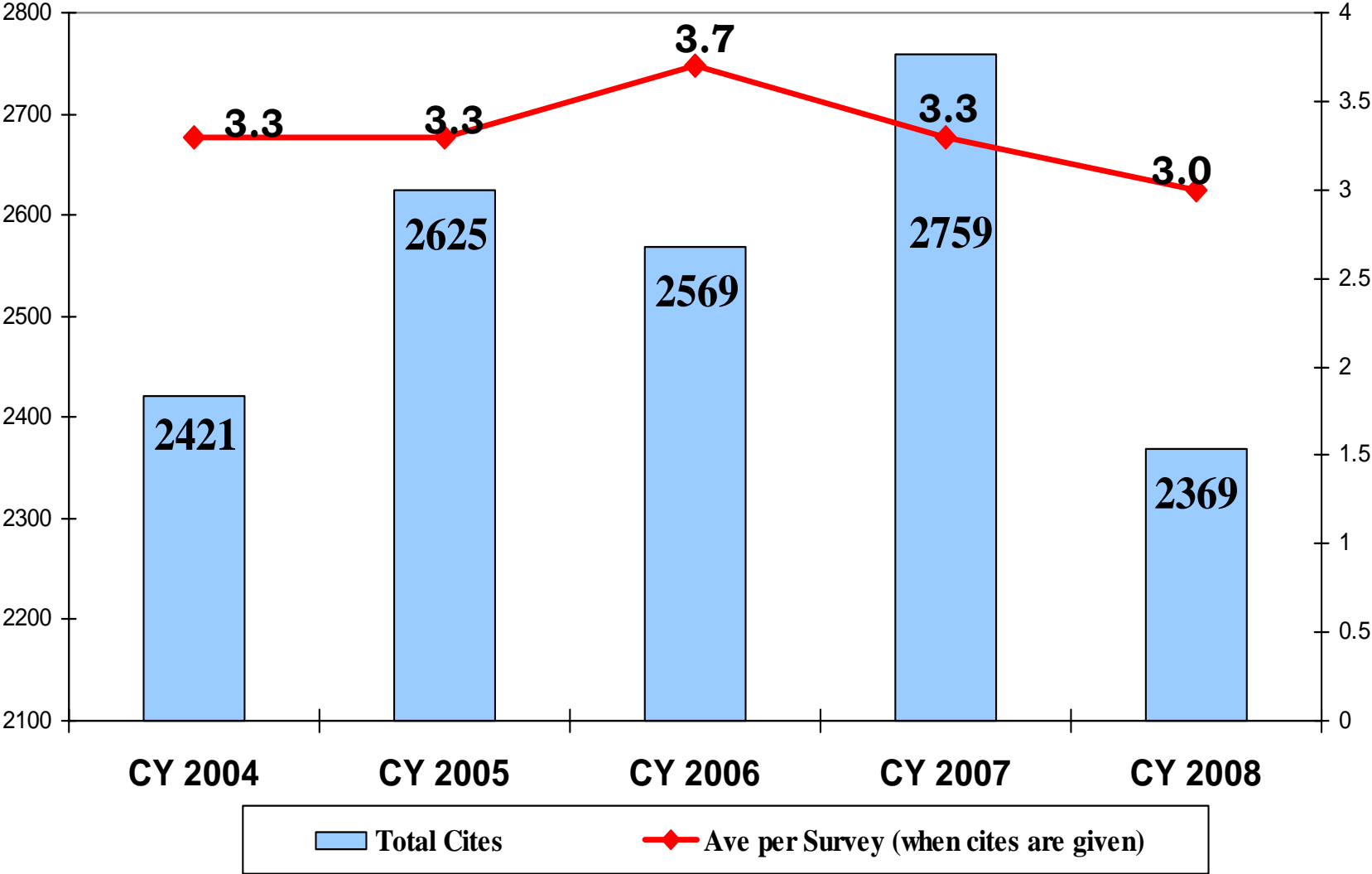
# Survey Results

2008



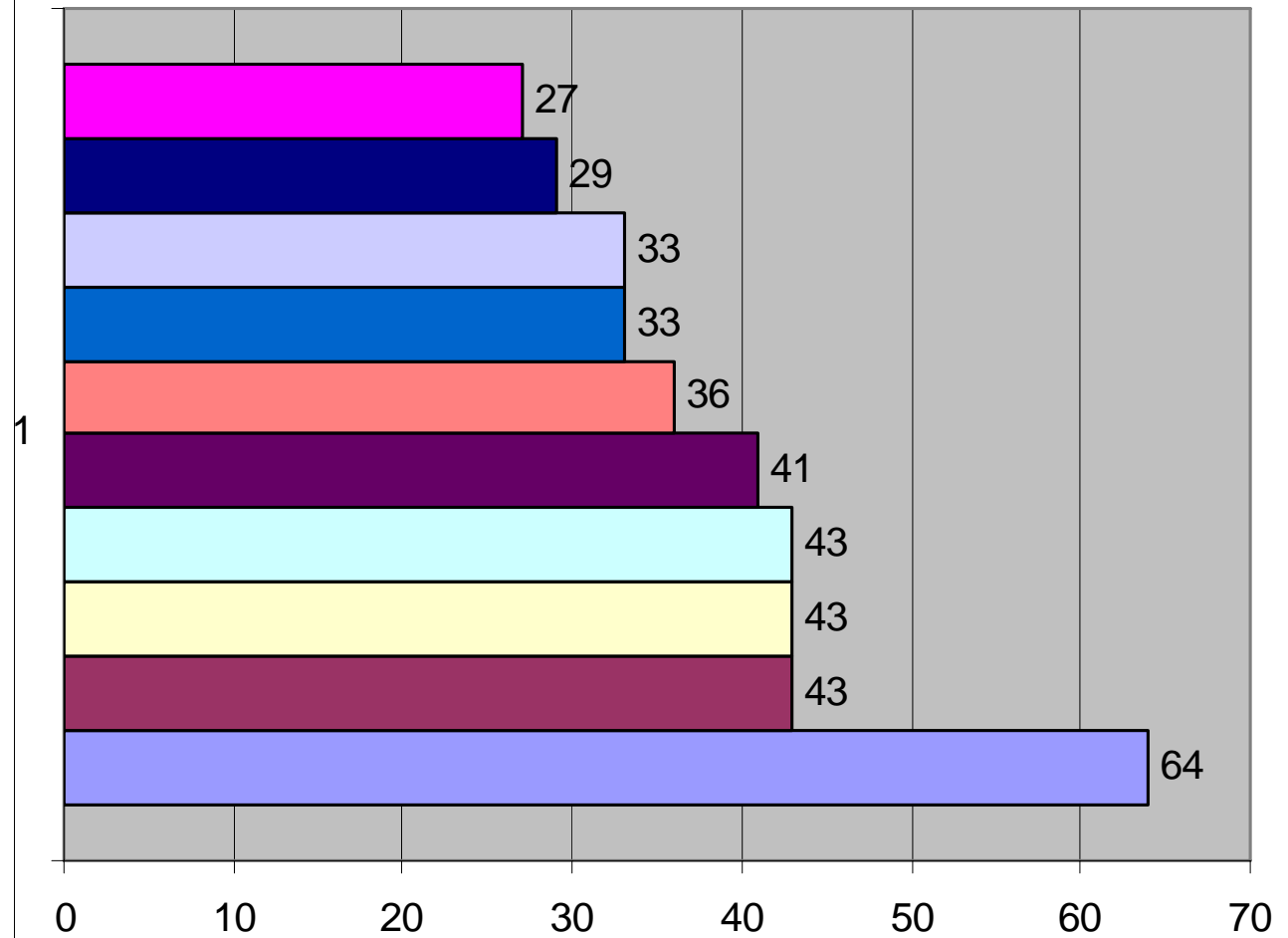
■ no cites ■ SOD only ■ SOD w/ Enfor.

# AL Citations Issued



## CBRF Top 10 CY 2008

- DETECTOR TESTING
- ADEQUATE STAFFING
- SLEEPING HRS DRILL
- ISP-SCOPE
- PROMPT & ADEQUATE
- REVIEW OF PROGRESS
- BUILDING MAINTENANCE
- MEDICATIONS
- FIRE SAFETY, FIRST AID
- RESPONSIBILITIES



ISP - PLAN & ASSESSMENT

TRAINING-15 HOURS 6 MONTHS

DIFFICULTY WALKING

FIRE SAFETY-FIRE EXTINGUISHERS

FREE OF HAZARDS

PRESCRIPTION MEDICATIONS

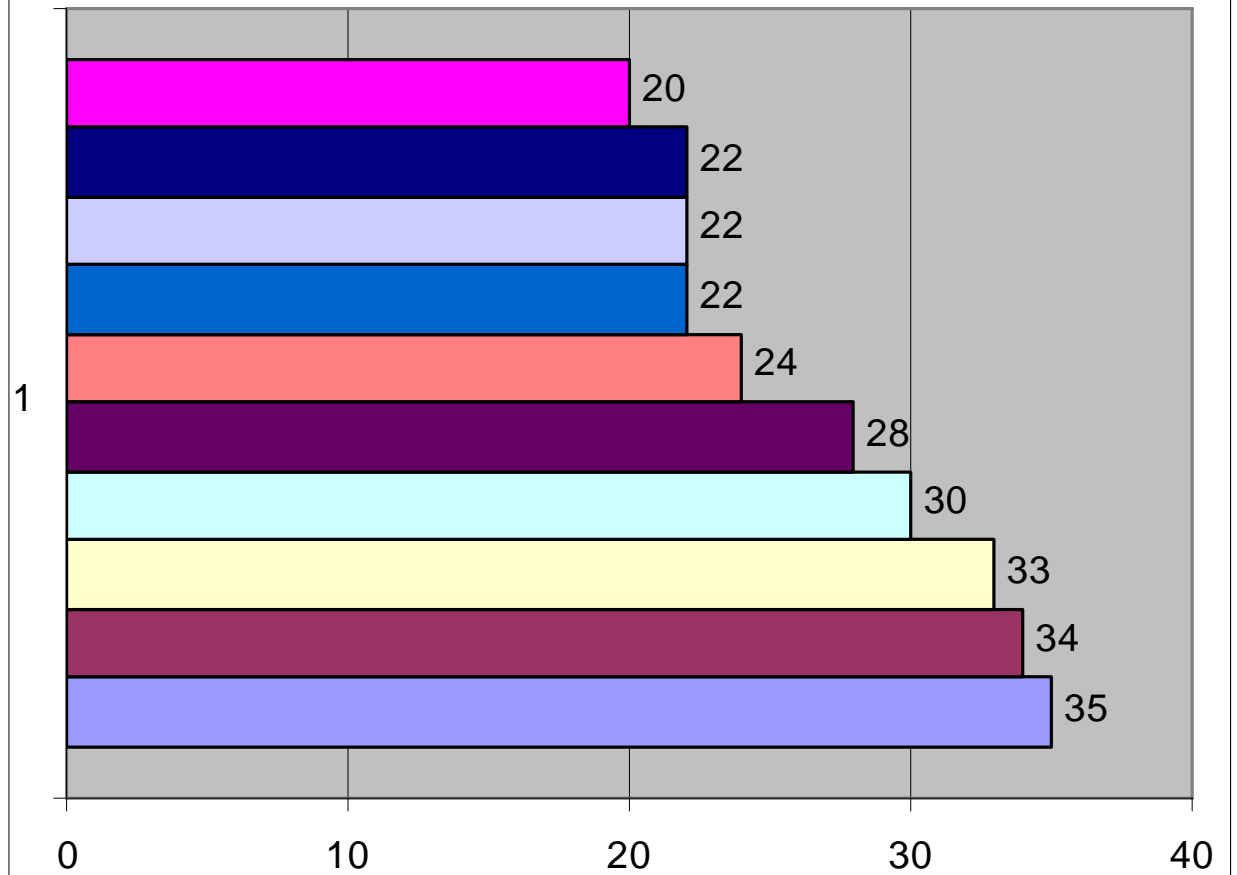
DETECTORS-TESTING AND MAINT.

MEDICATION- WRITTEN ORDER

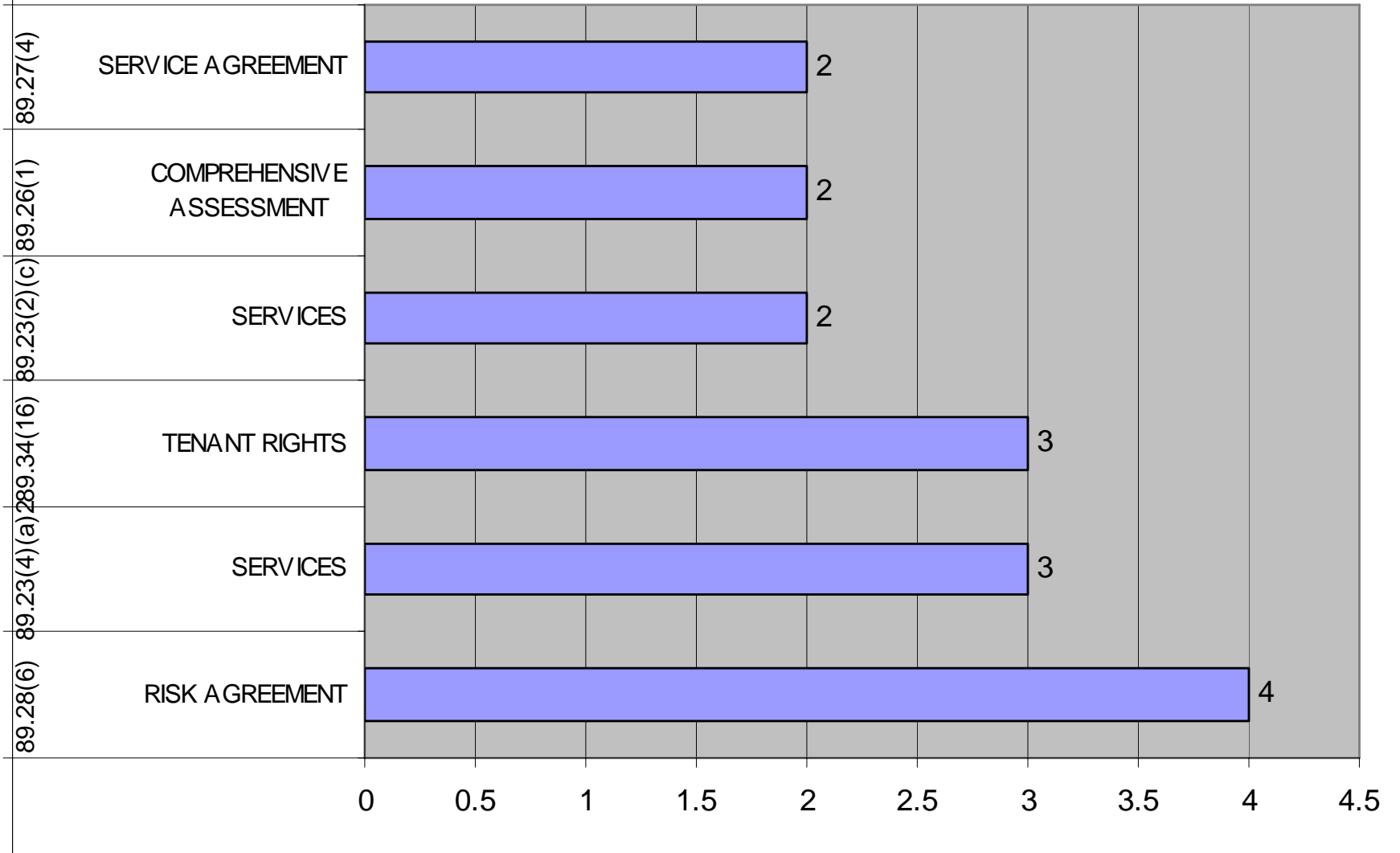
HOME ENVIRONMENT

RESPONSIBILITIES

### Adult Family Home - Top 10 CY 2008



# RCAC Top 6 CY 2008



89.27(4)

SERVICE AGREEMENT

2

89.26(1)

COMPREHENSIVE ASSESSMENT

2

89.23(2)(c)

SERVICES

2

89.34(16)

TENANT RIGHTS

3

89.23(4)(a)

SERVICES

3

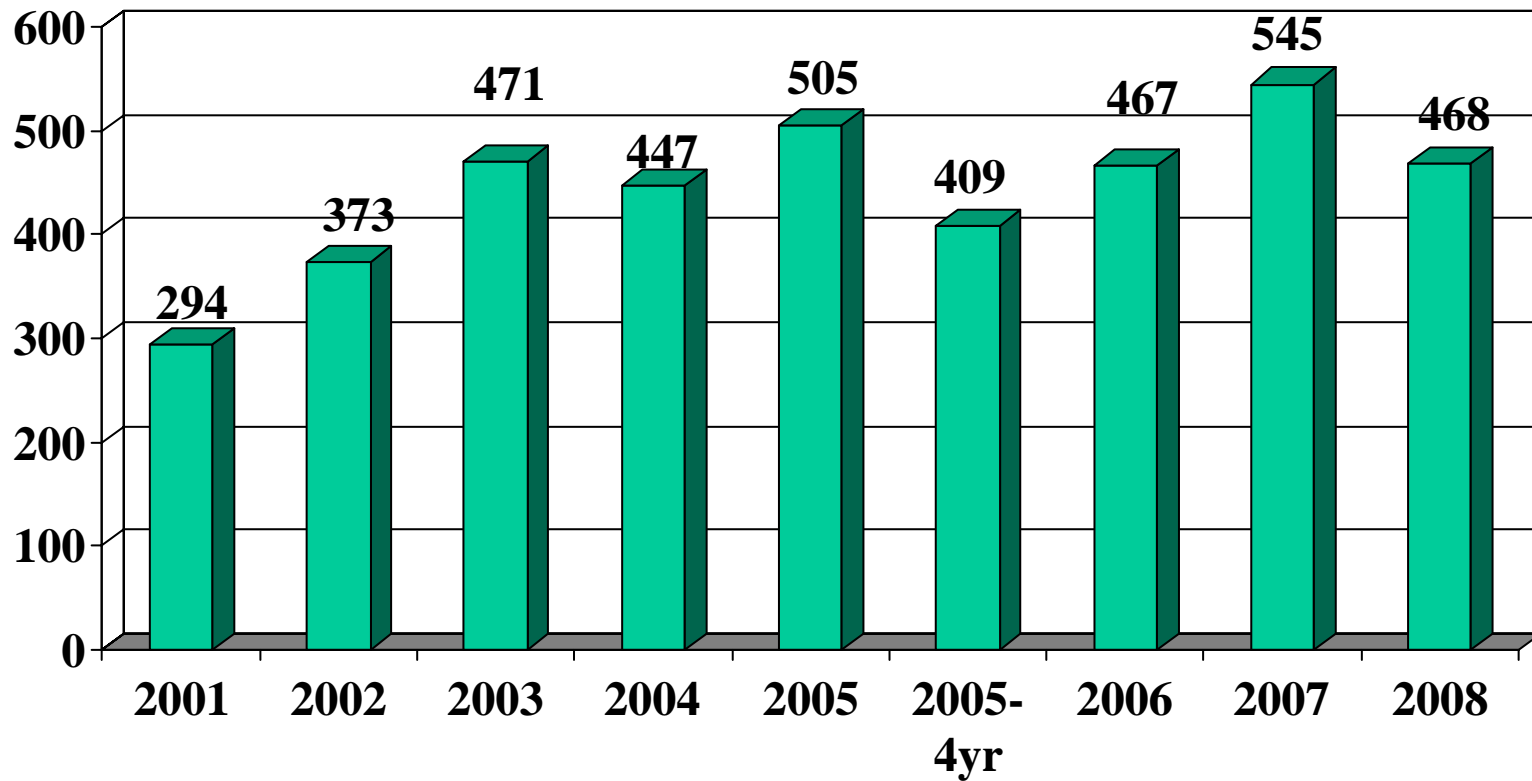
89.28(6)

RISK AGREEMENT

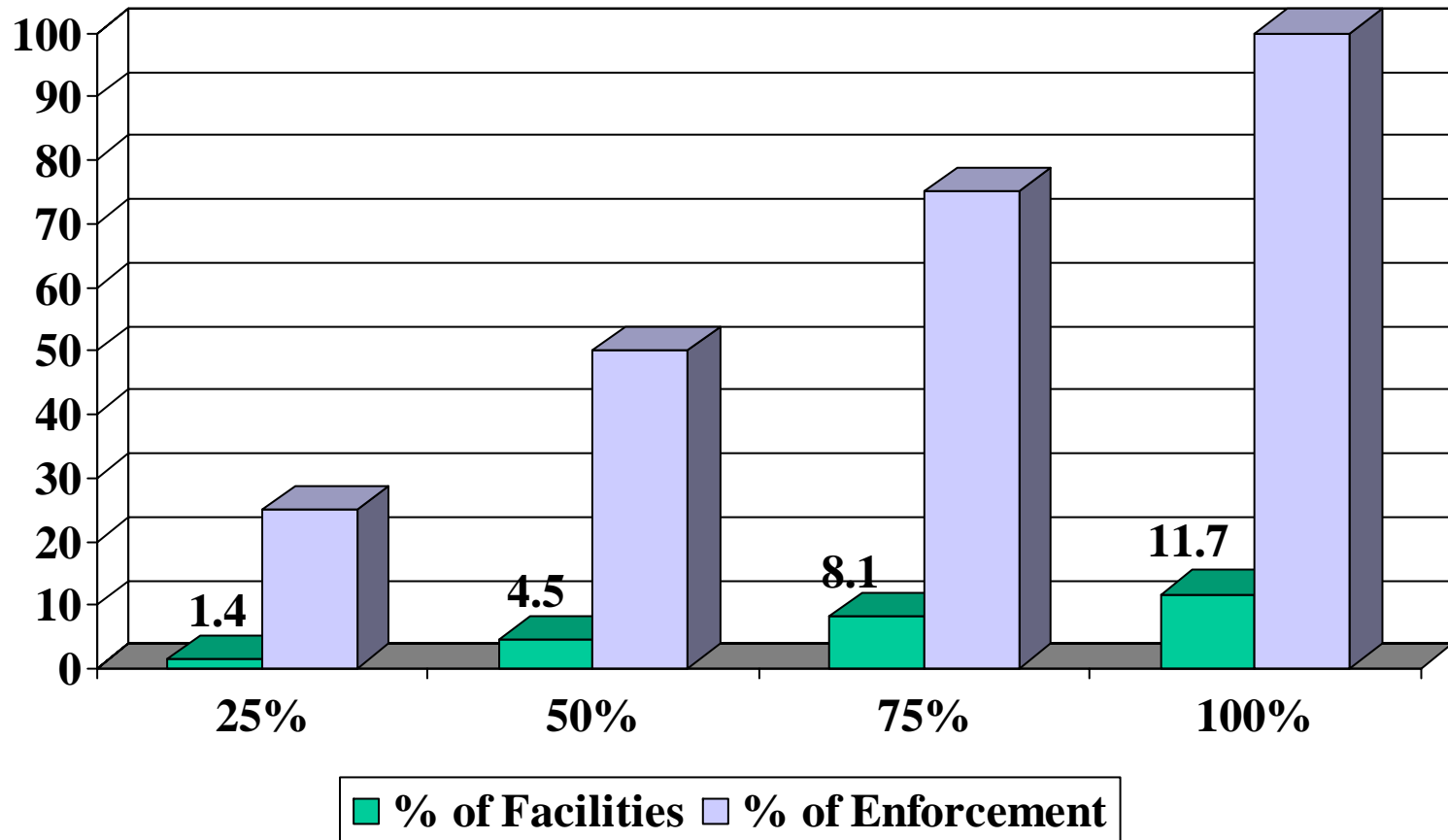
4

0 0.5 1 1.5 2 2.5 3 3.5 4 4.5

# Surveys with Enforcement

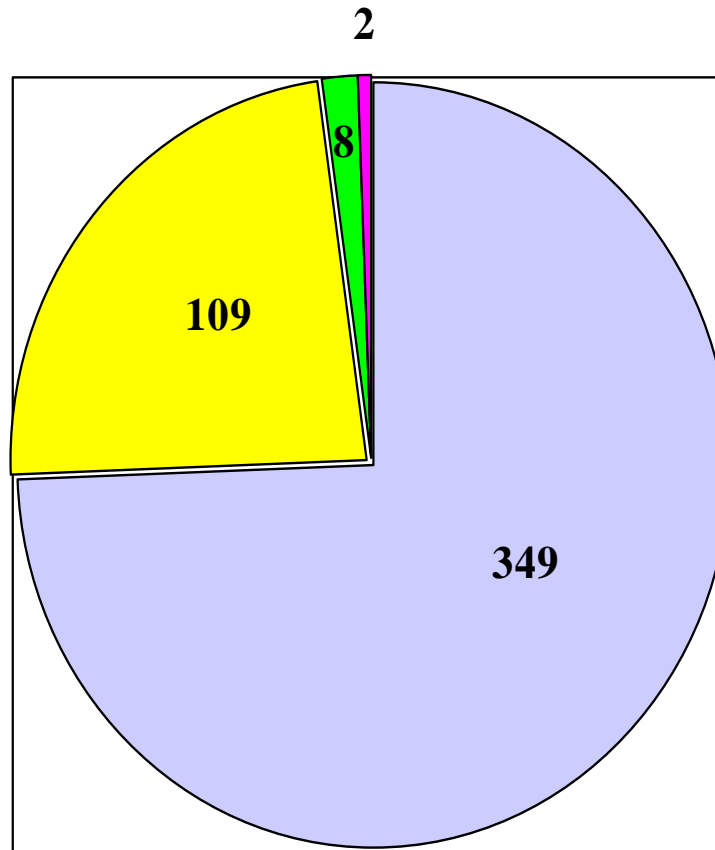


## % of Facilities making up % of Enforcement CY 2008



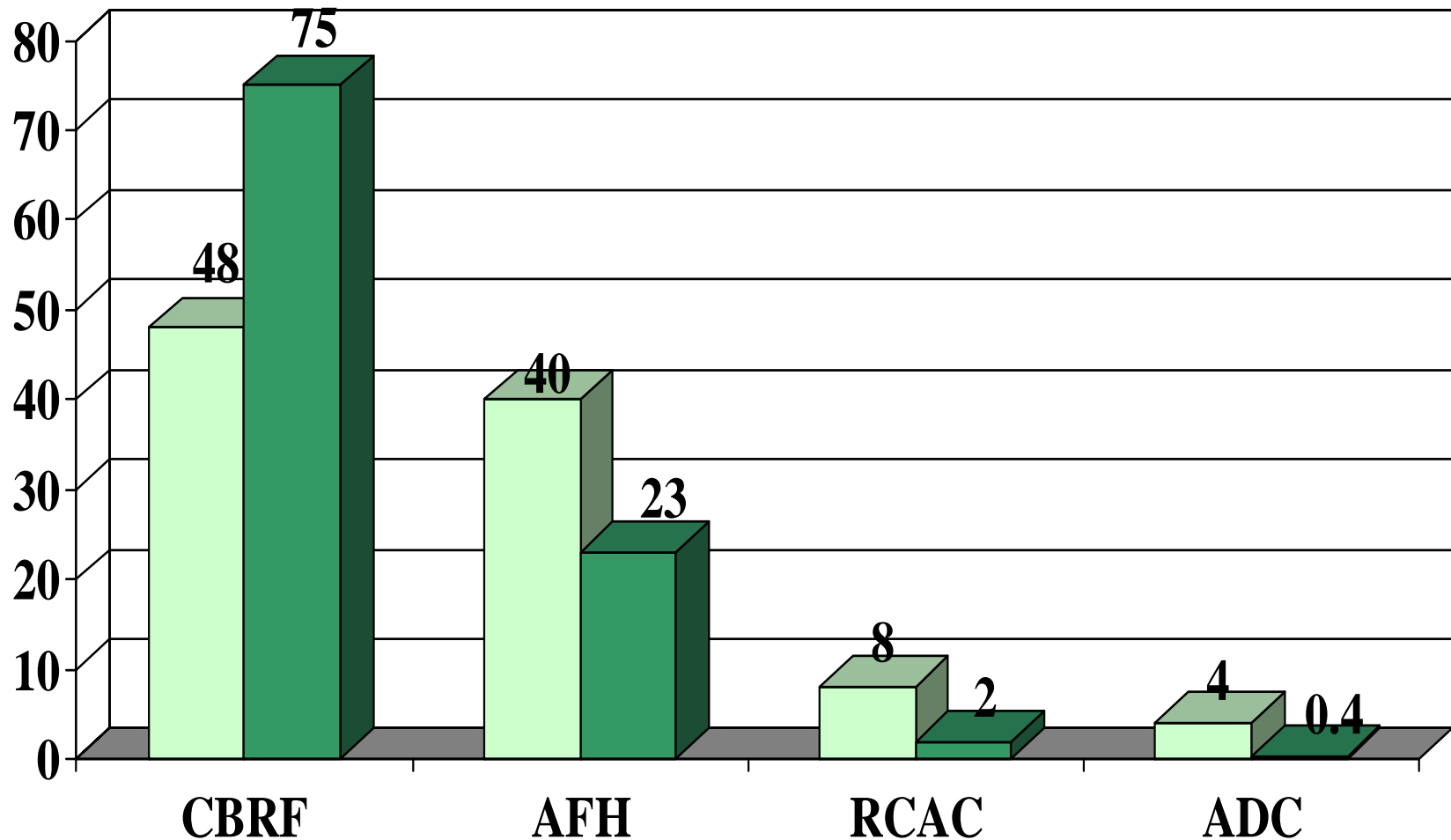
# Surveys with Enforcement (468)

CY 2008



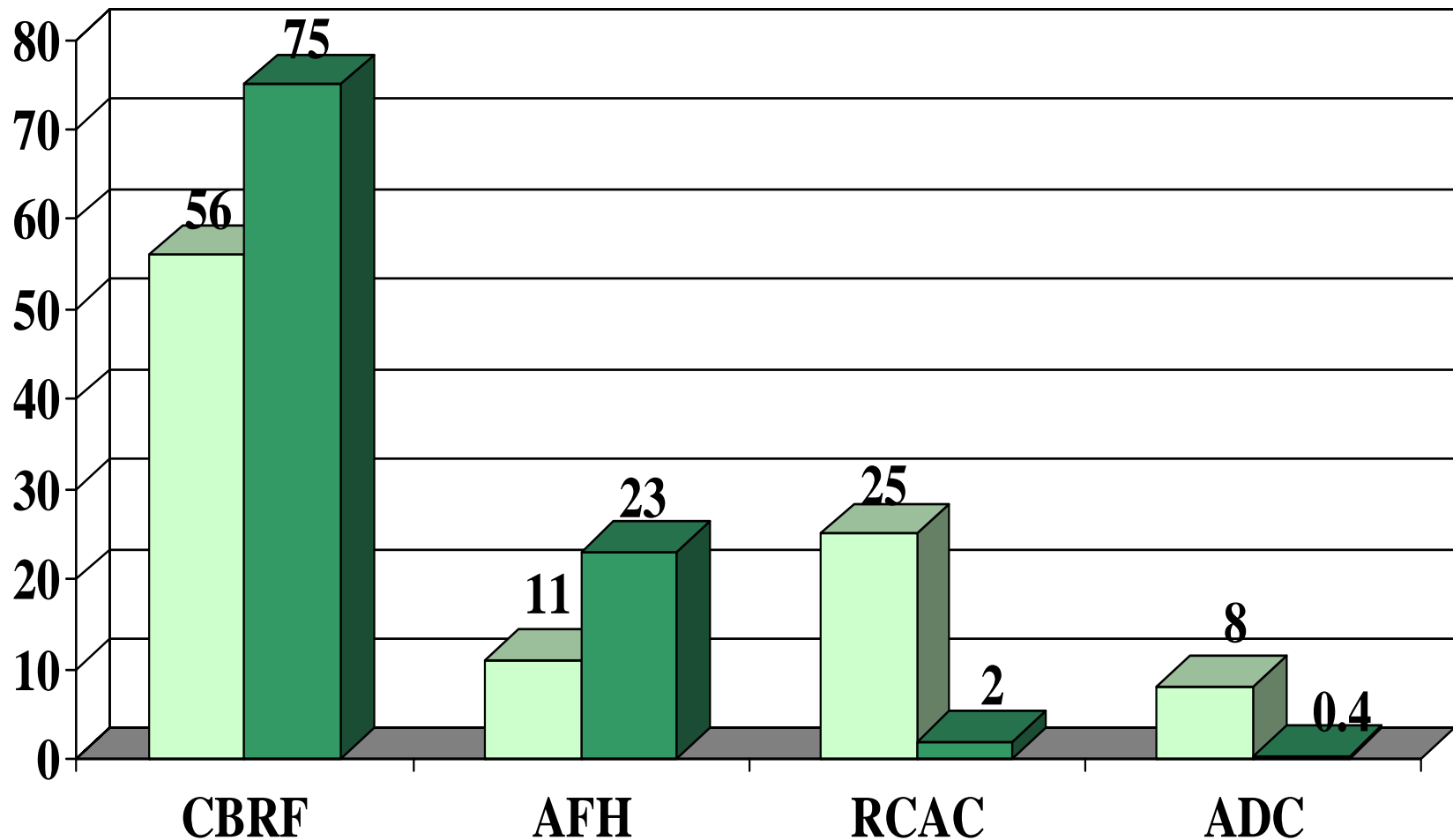
■ CBRF ■ AFH ■ RCAC ■ ADC

# % of Facilities vs. % Enforcement Surveys



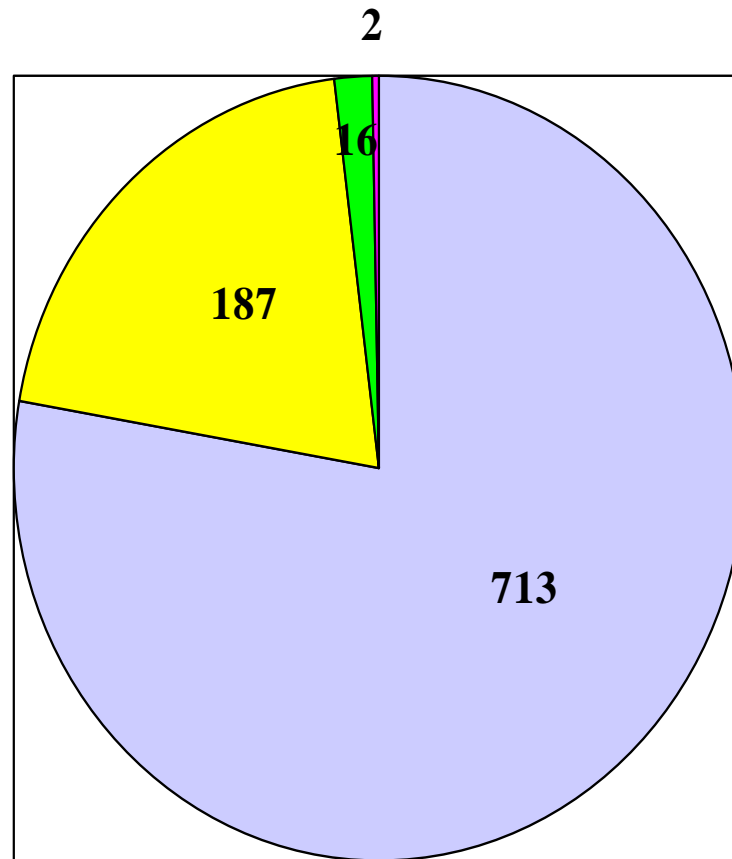
■ % of Facilities CY 2008 ■ % Enforcement CY 2008

# **% of Beds vs. % Enforcement Surveys**



■ % of Beds CY 2008 ■ % Enforcement CY 2008

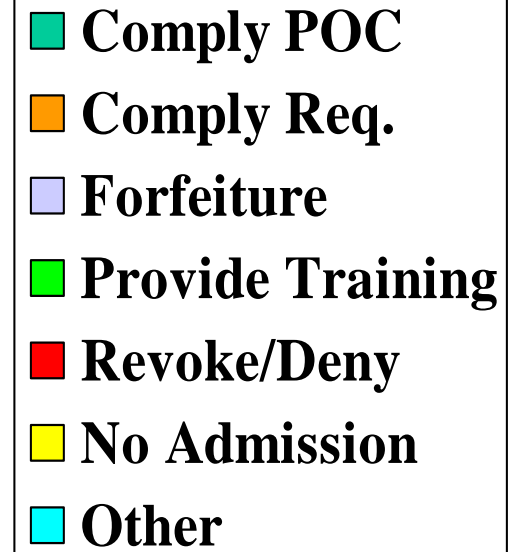
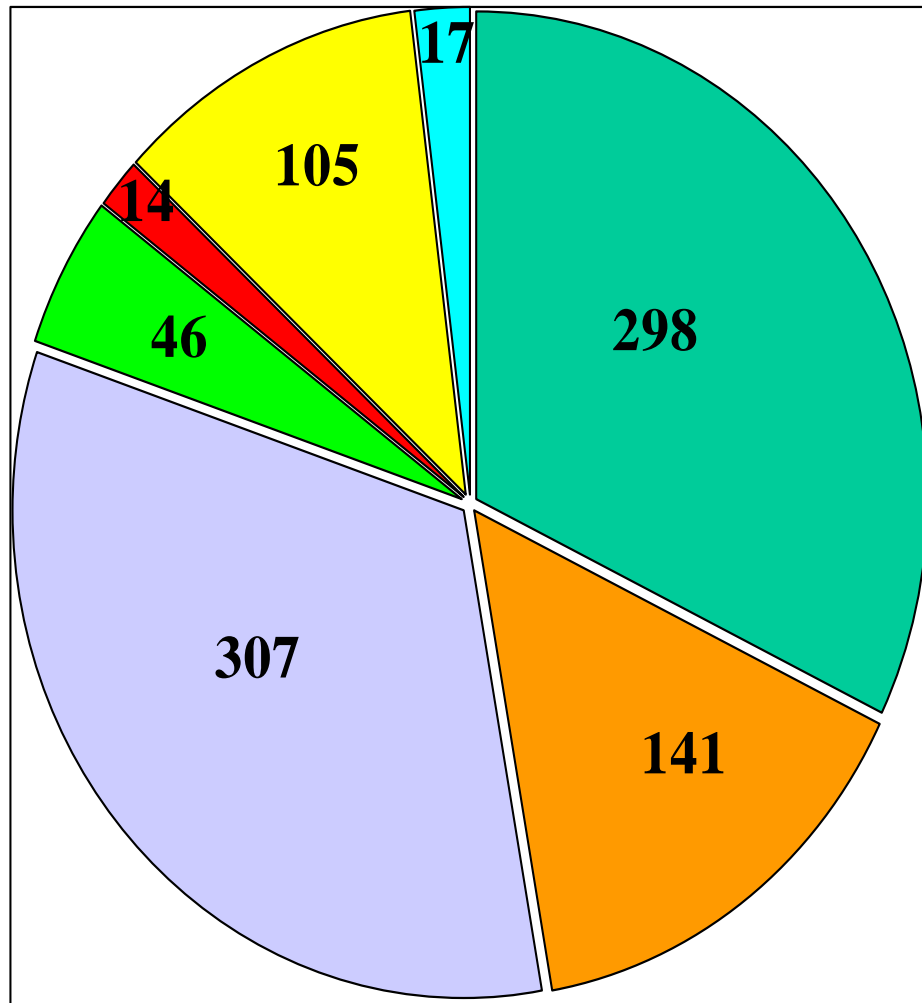
# Sanctions Imposed (918) CY 2008



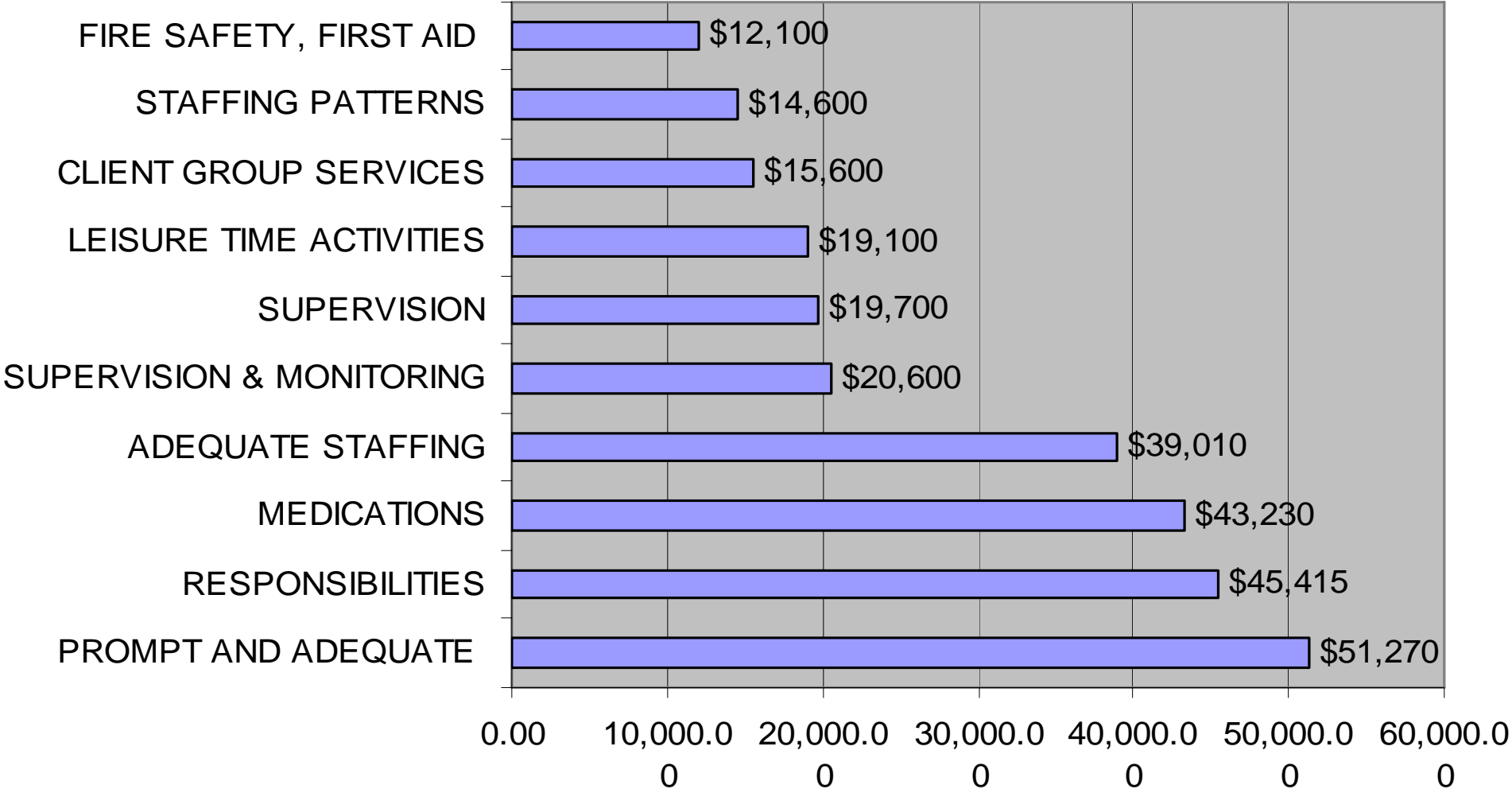
■ CBRF ■ AFH ■ RCAC ■ ADC

# Type of Sanctions per survey

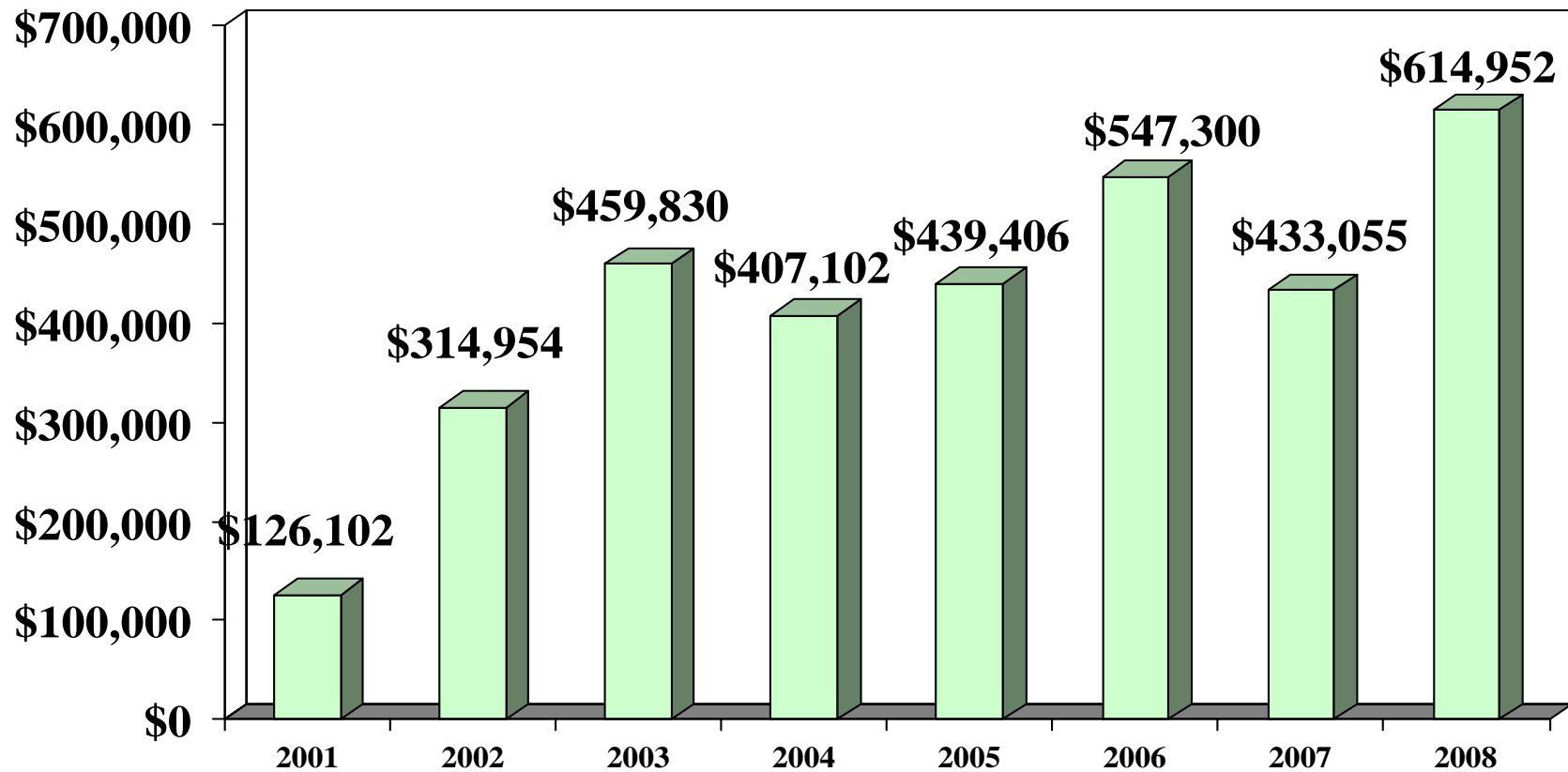
## CY 2008



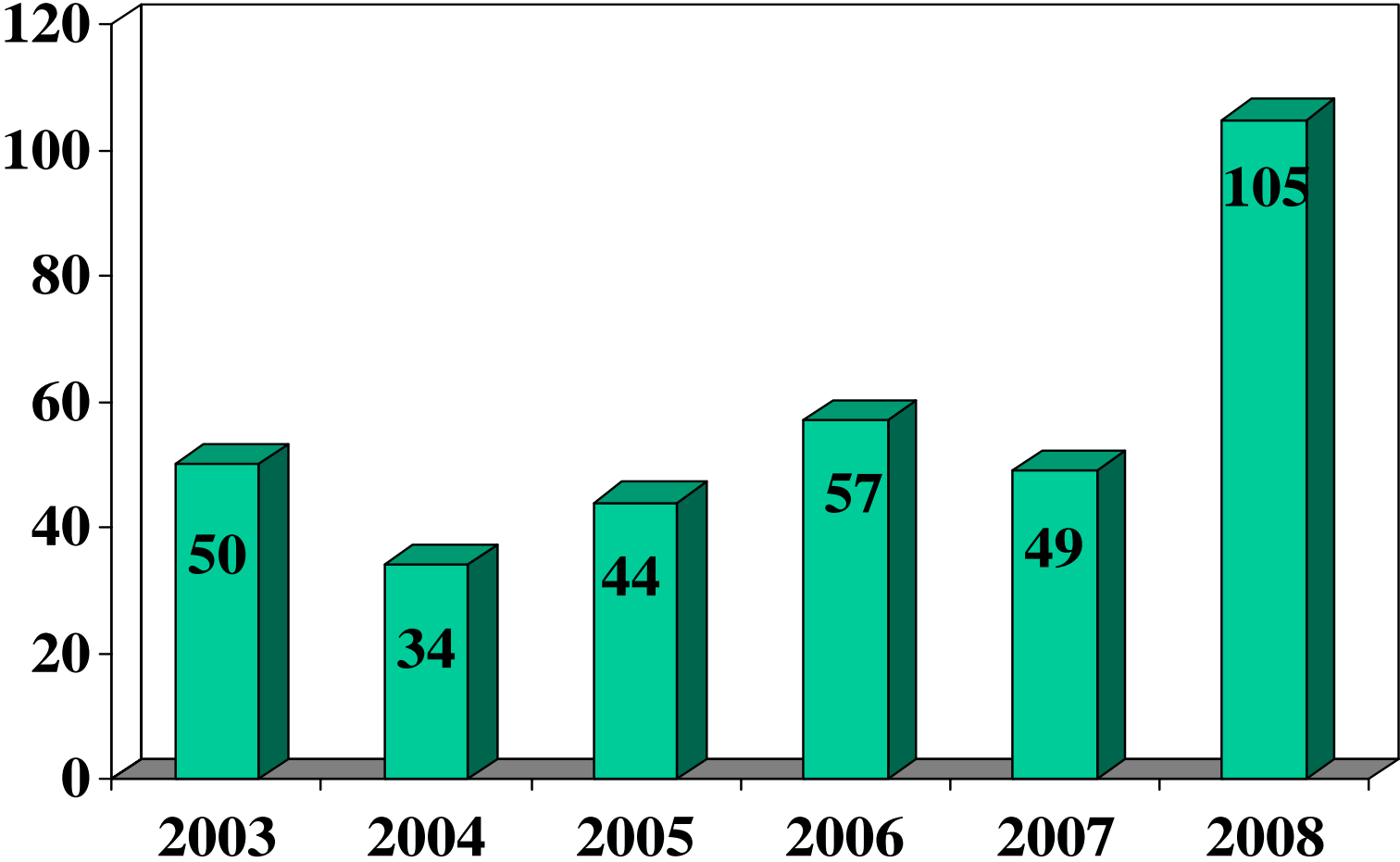
### Forfeitures Top 10 - CY 2008



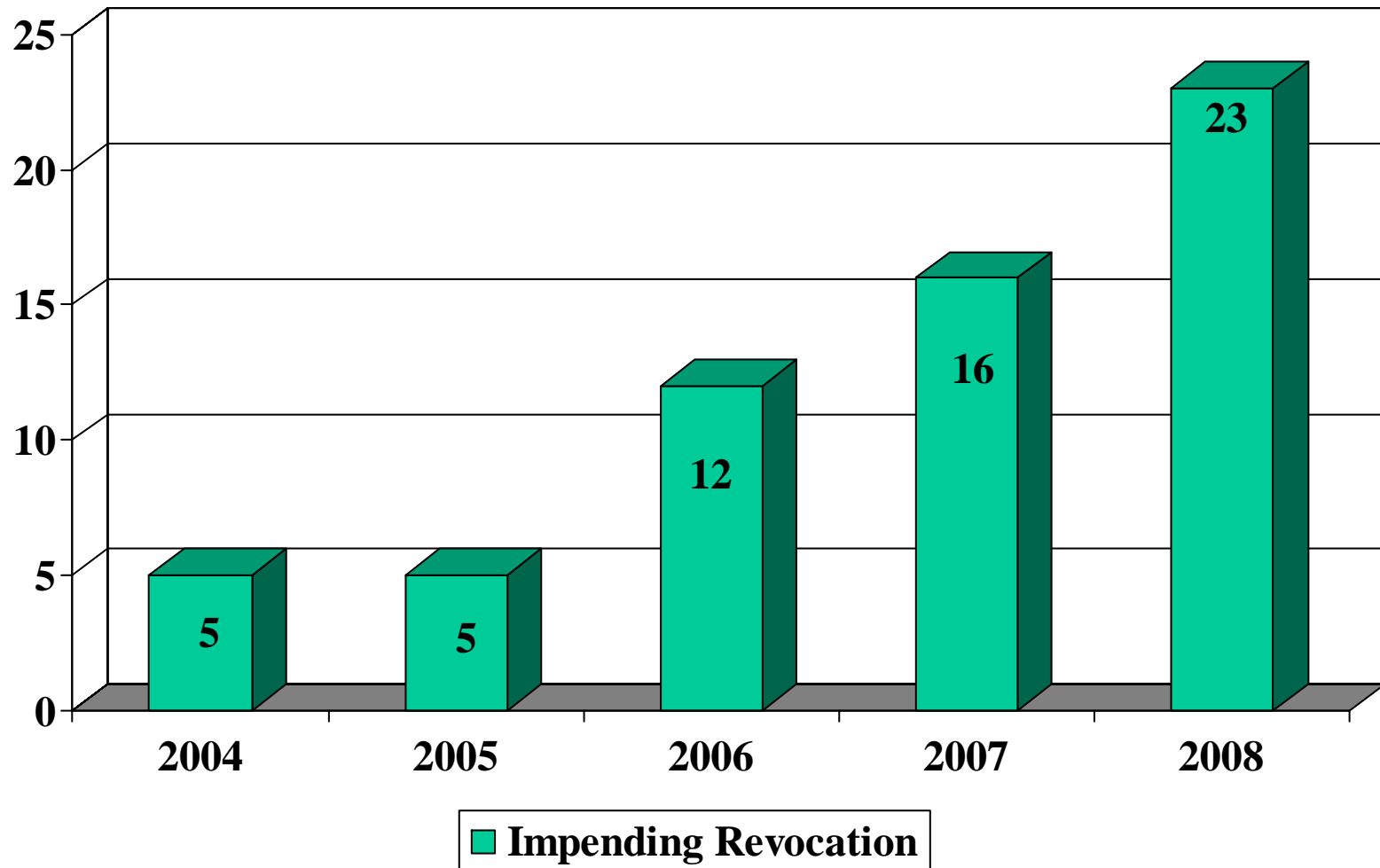
# Forfeiture Assessments



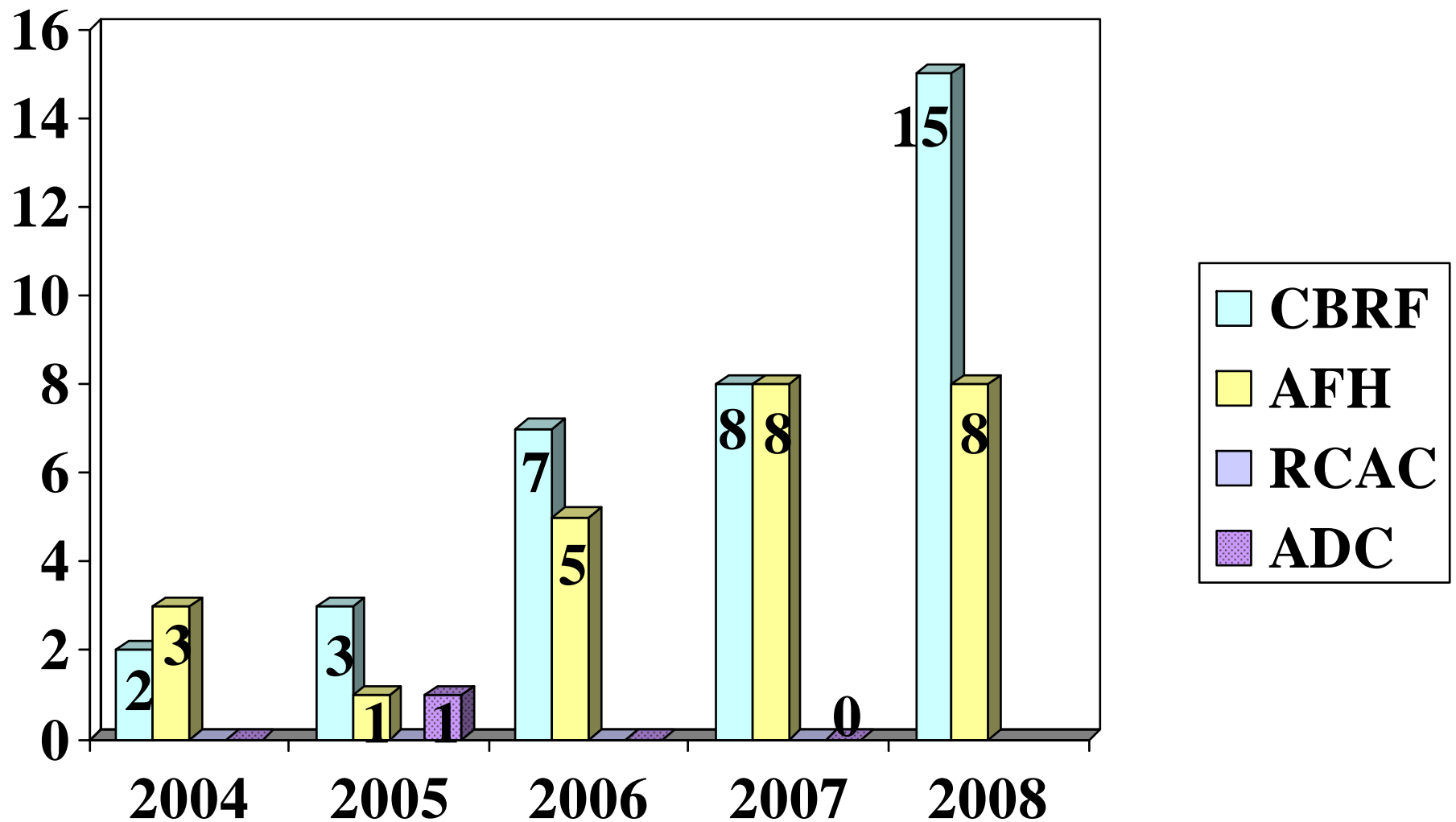
# Assisted Living No New Admission Orders



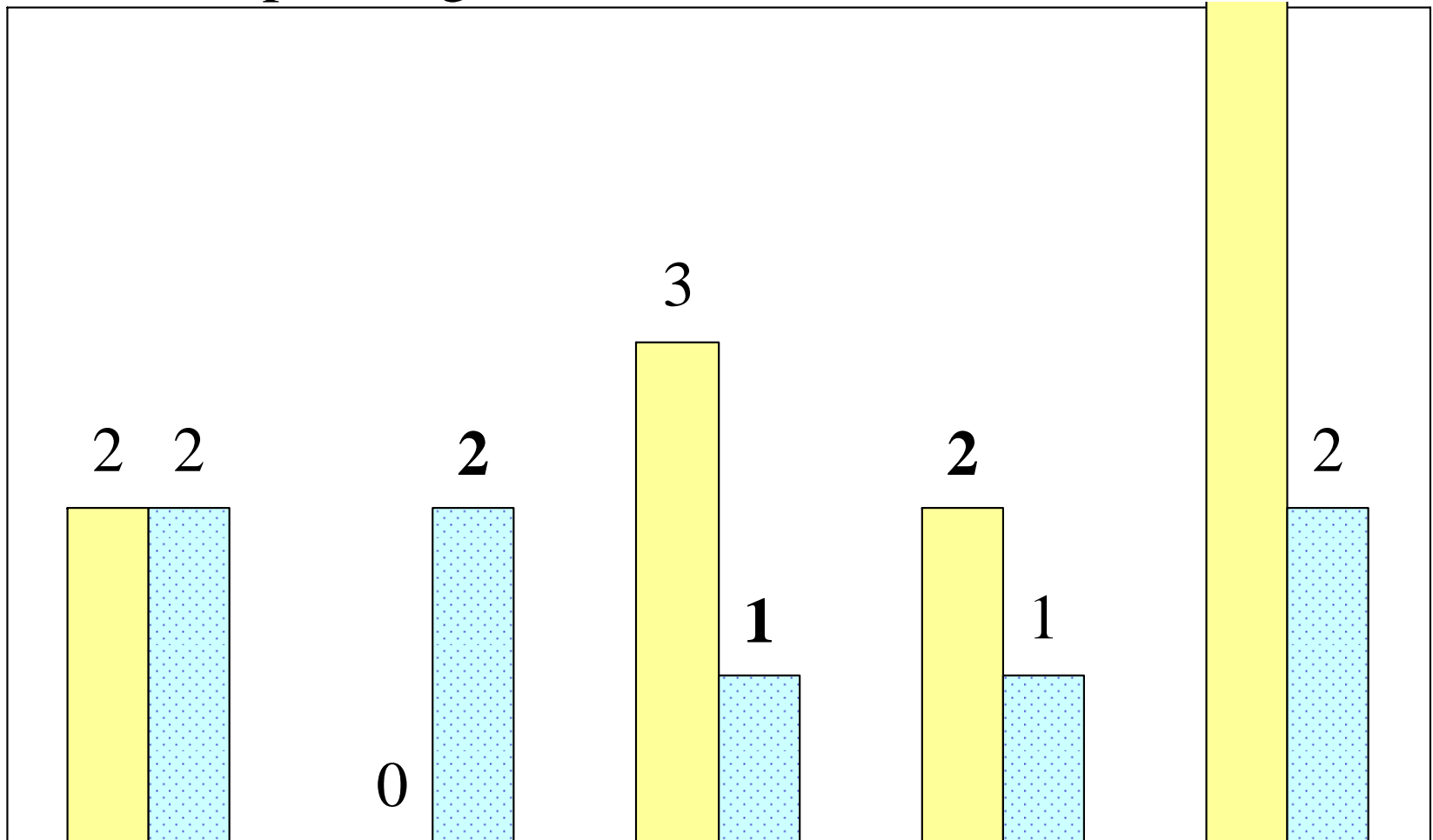
# Impending Revocations



# Assisted Living Impending Revocations

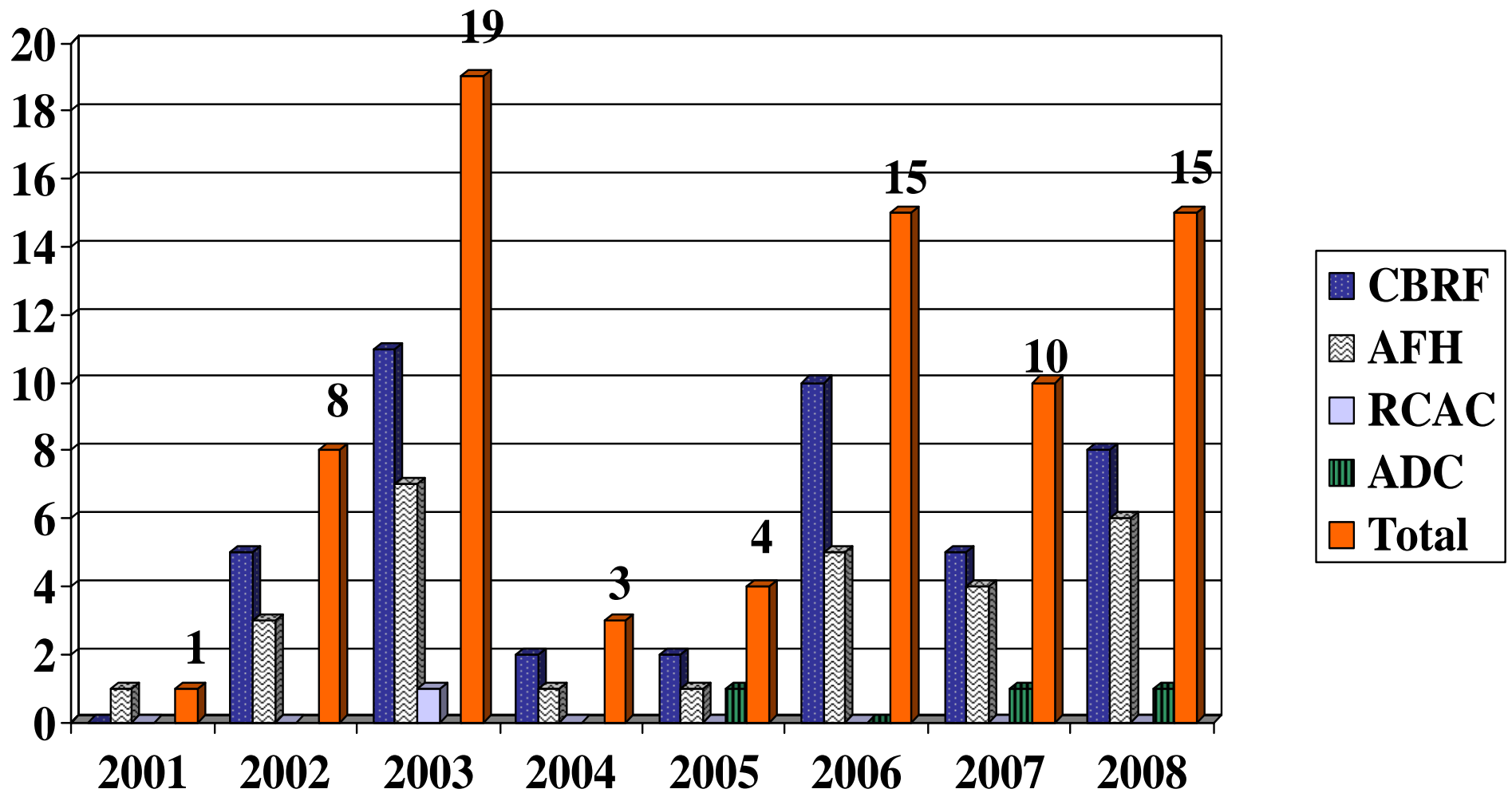


# Impending Revocations 2008

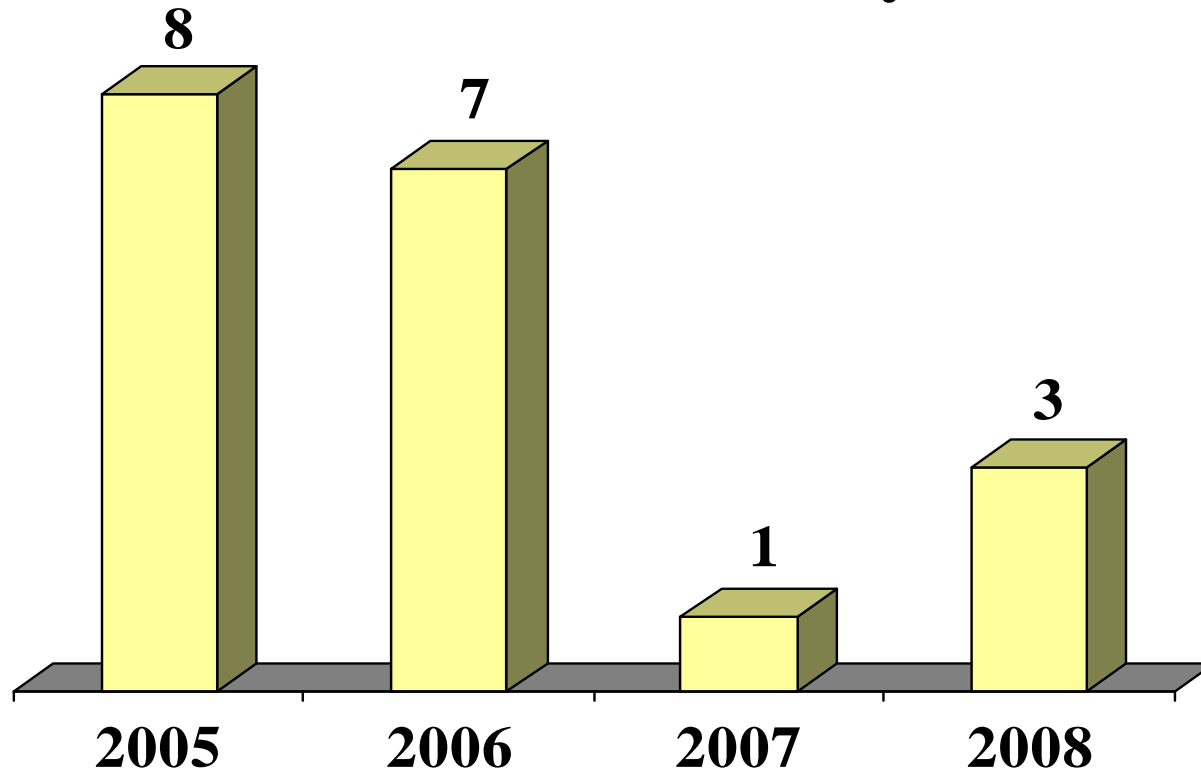


|        | Pending | Close Vol | Revoked | Rescinded | Corrected |
|--------|---------|-----------|---------|-----------|-----------|
| ■ CBRF | 2       | 0         | 3       | 2         | 8         |
| ■ AFH  | 2       | 2         | 1       | 1         | 2         |

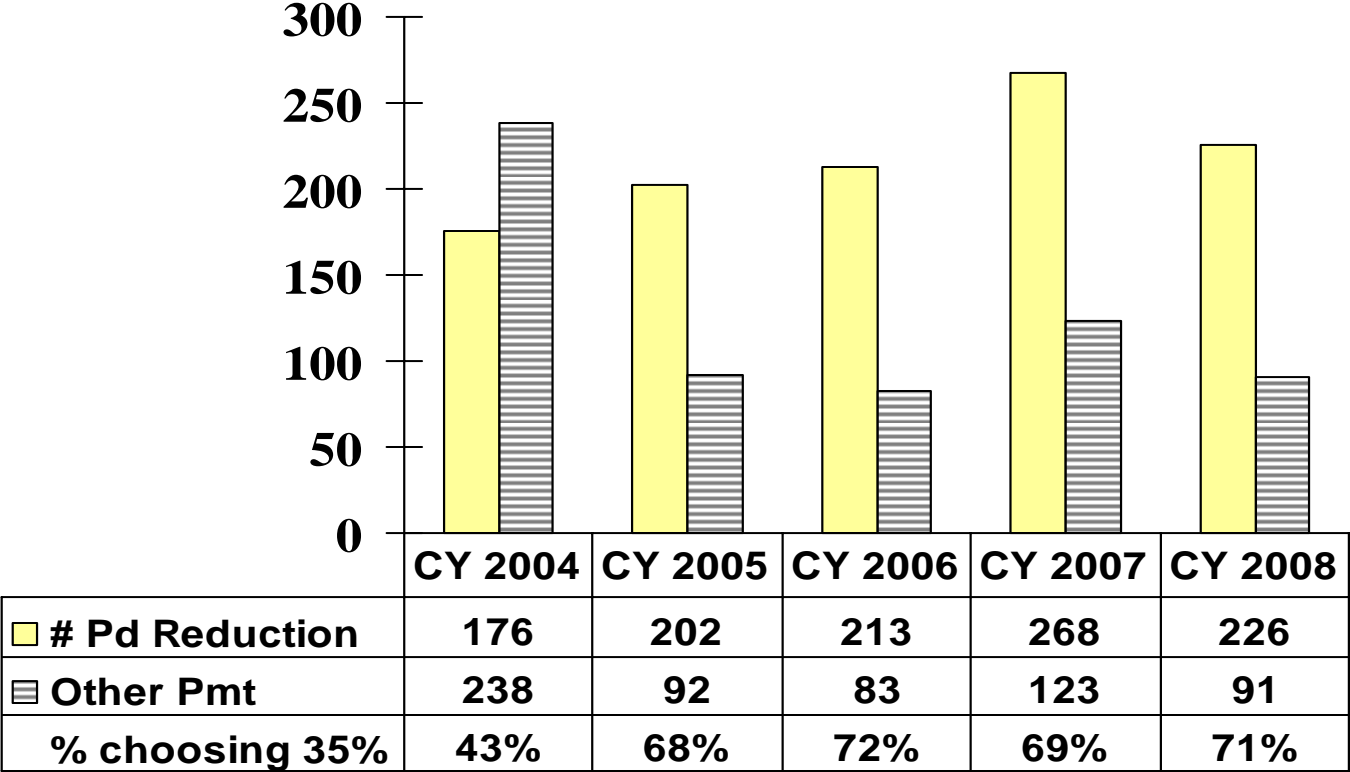
# Revocations



## **Cease & Desist Orders Unlicensed Entity**

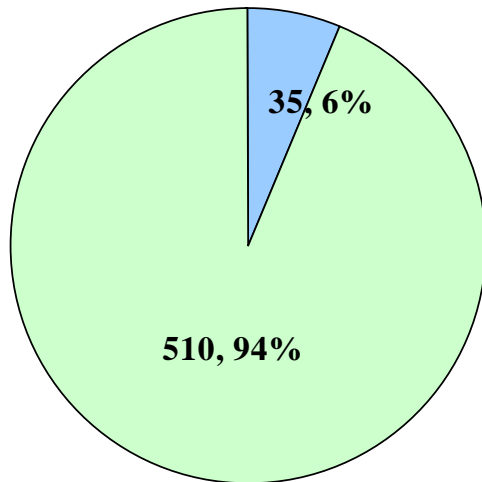


# 35% Forfeiture Reduction

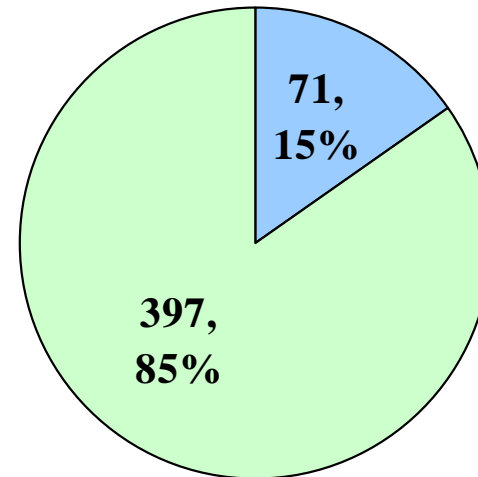


# Enforcement Action Appealed

**CY 2007**

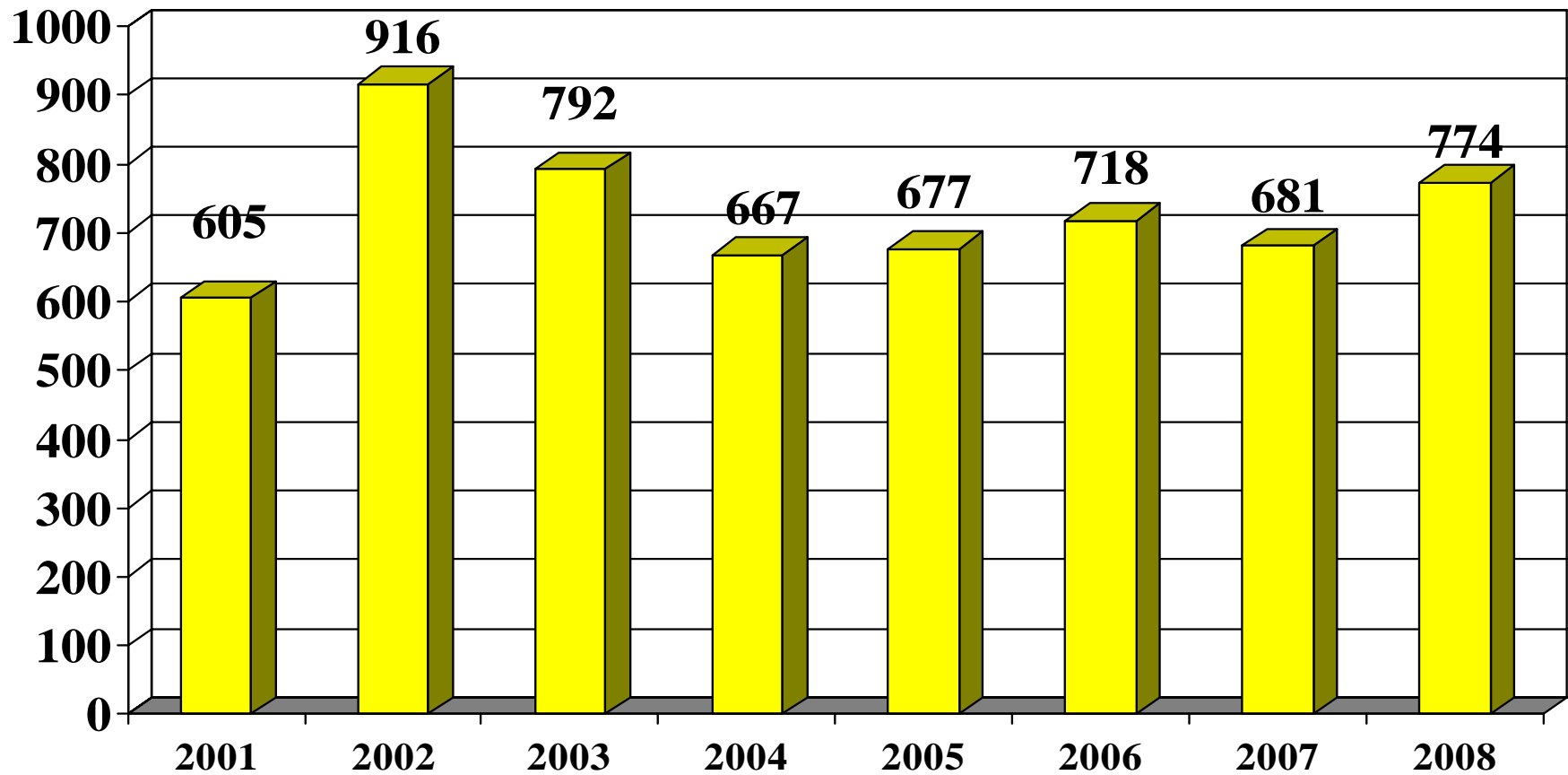


**CY 2008**

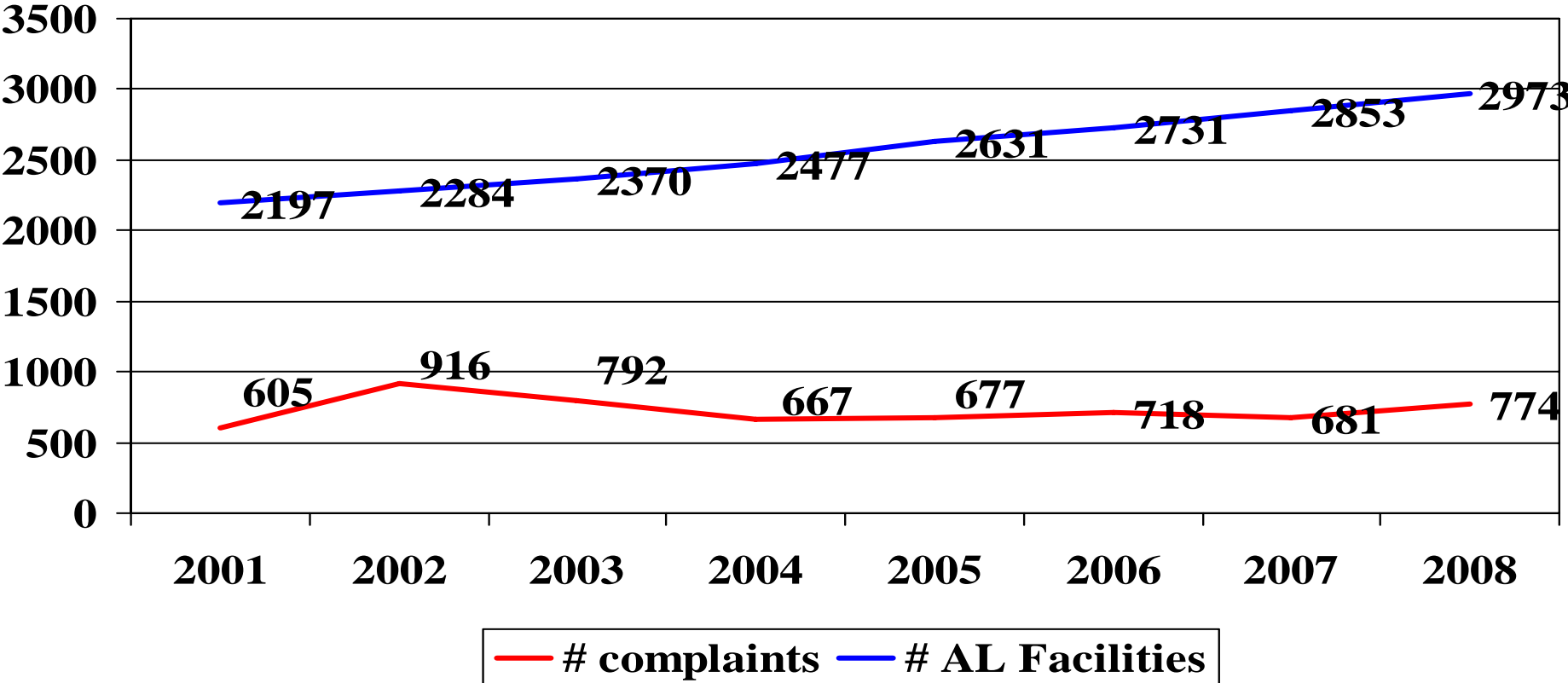


**■ appealed ■ not appealed**

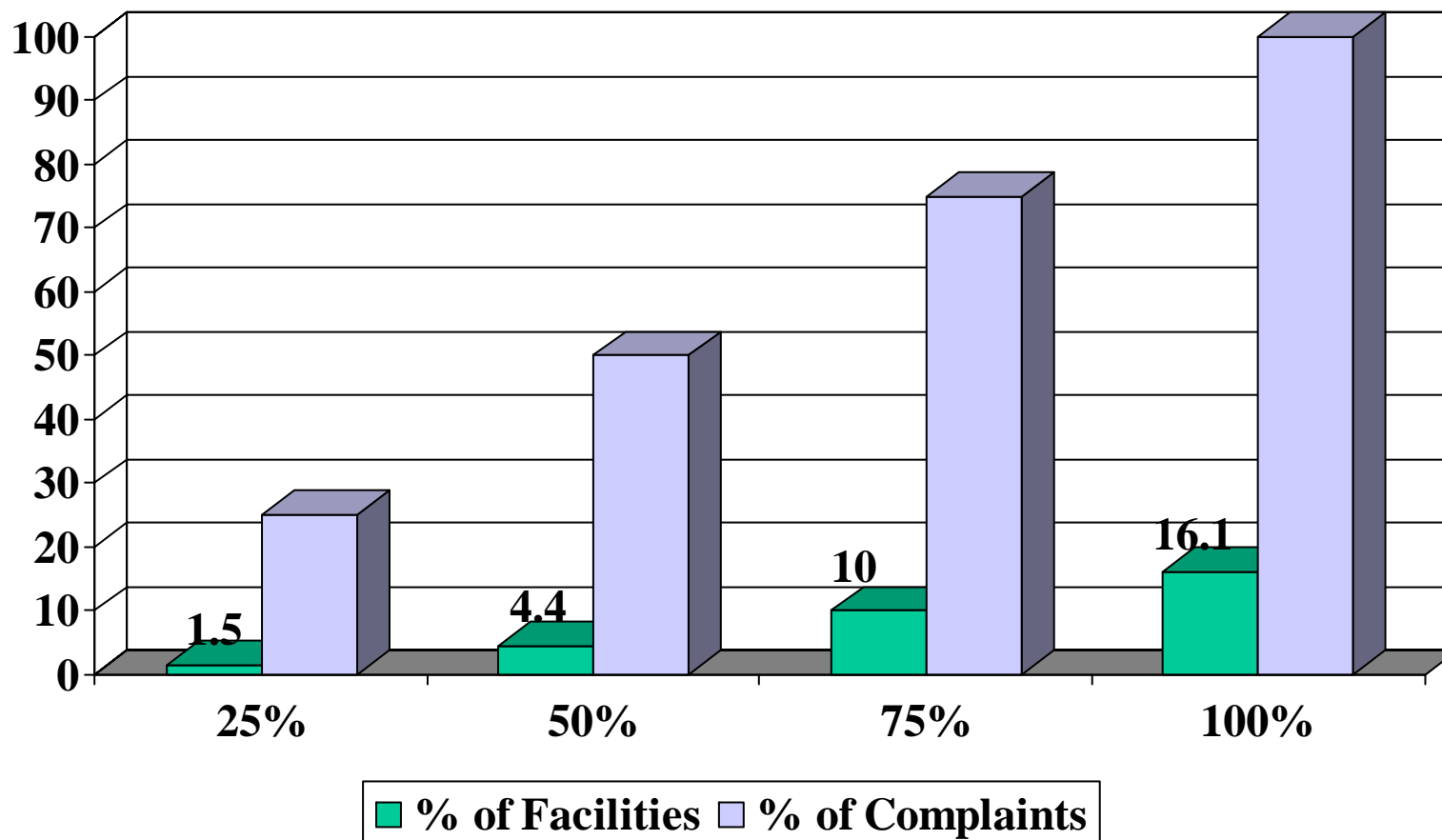
# Complaints Received



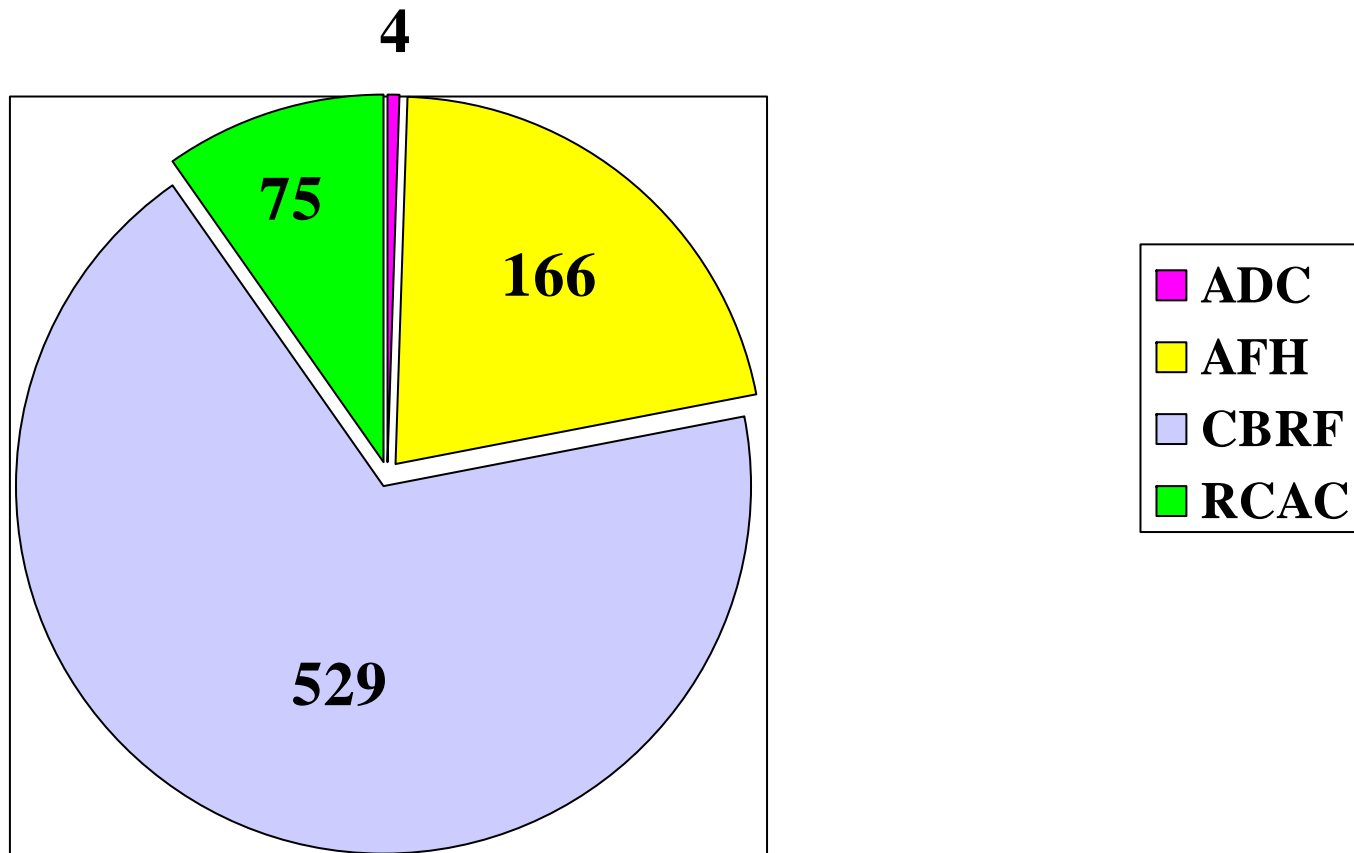
# Complaints vs. Growth



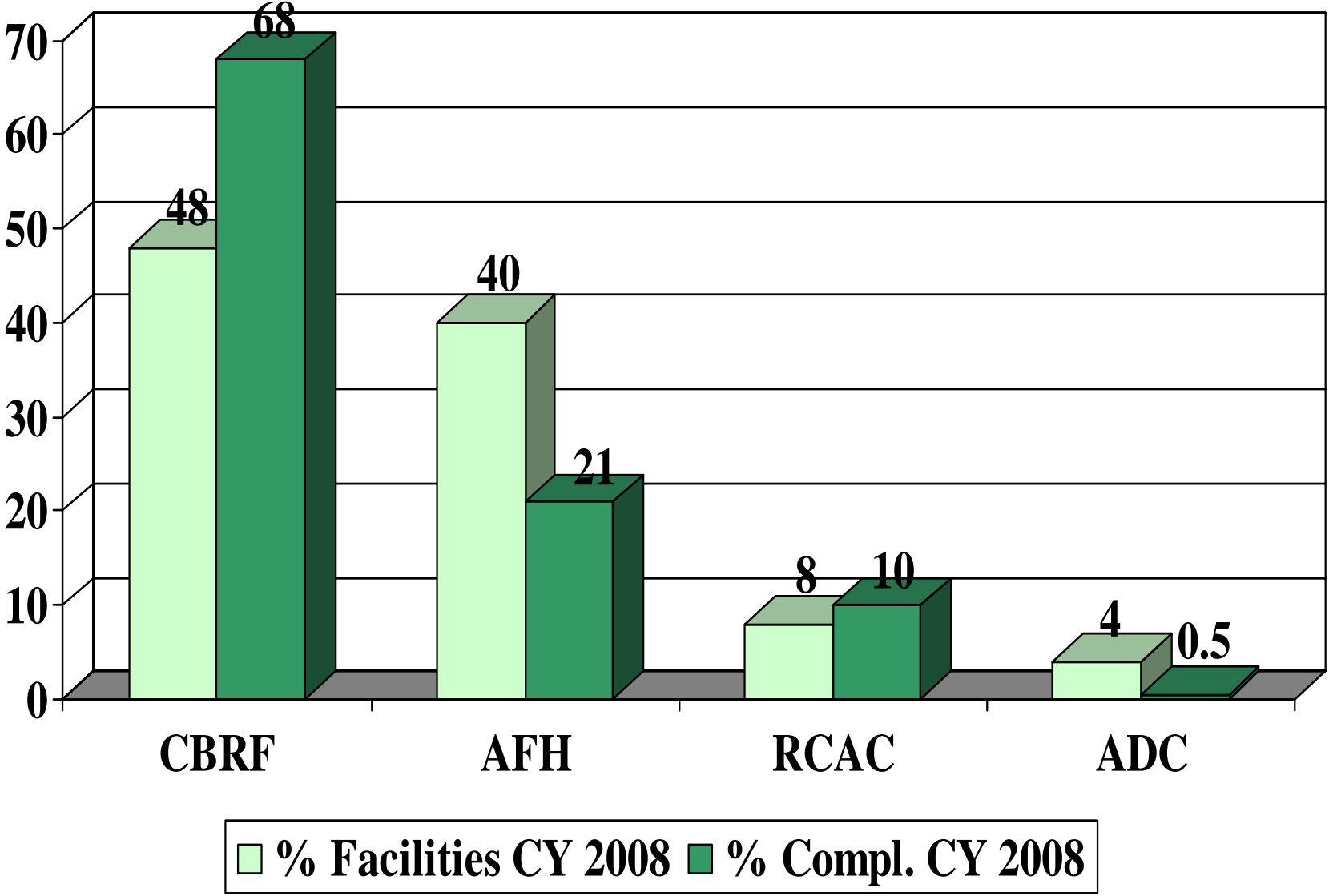
## % of Facilities making up % of Complaints CY 2008



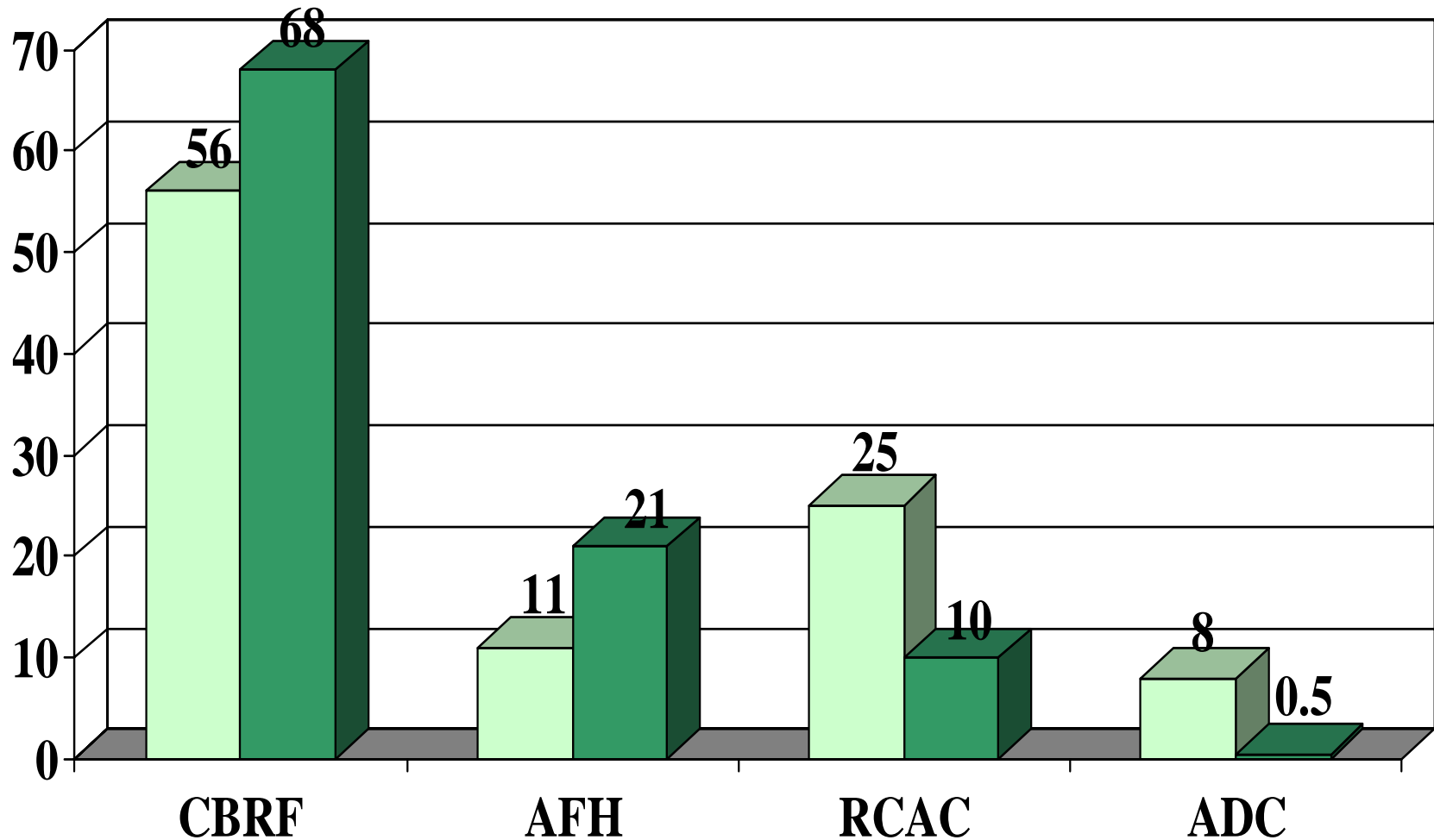
# Complaints Received CY 2008



# % of Facilities vs. Complaints Received



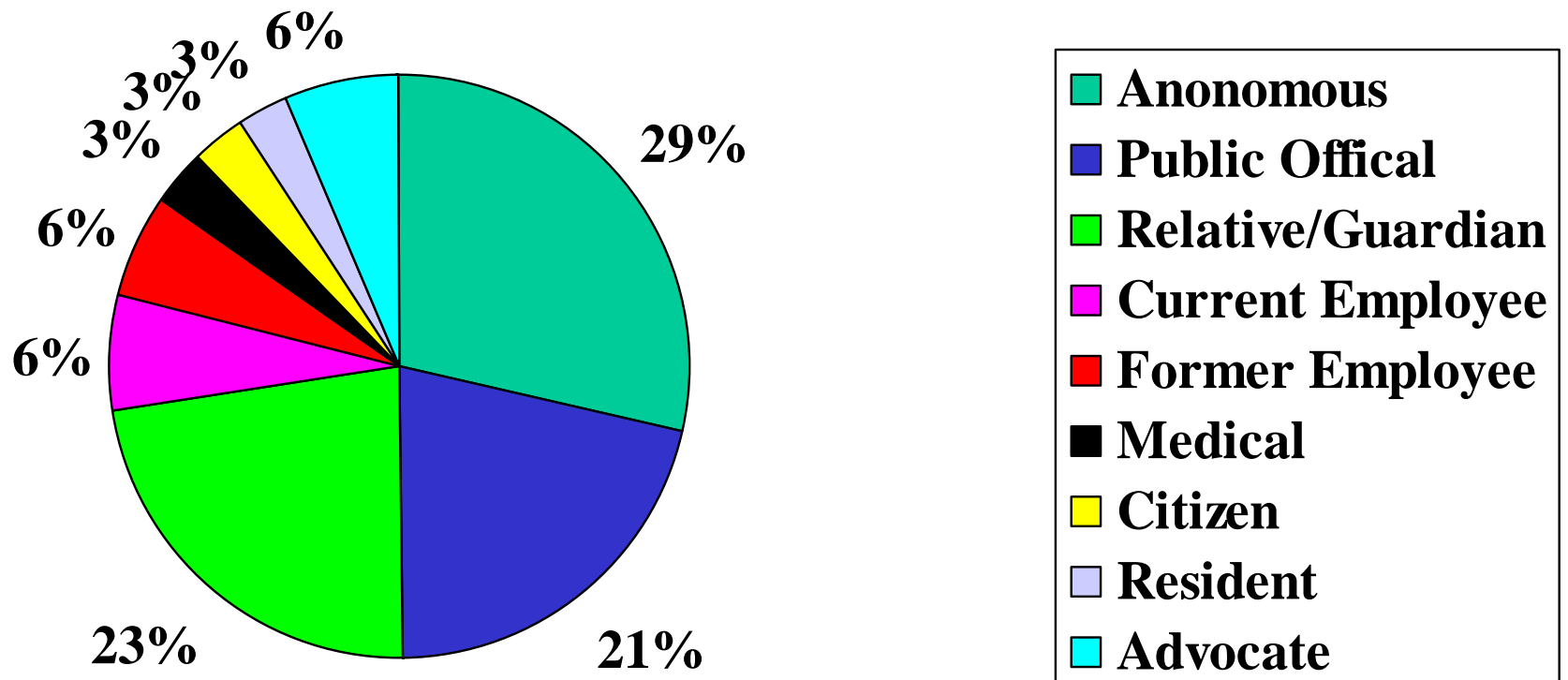
# % of Beds vs. Complaints Received



■ % Beds CY 2008 ■ % Compl. CY 2008

# Source of Complaint

## CY 2008



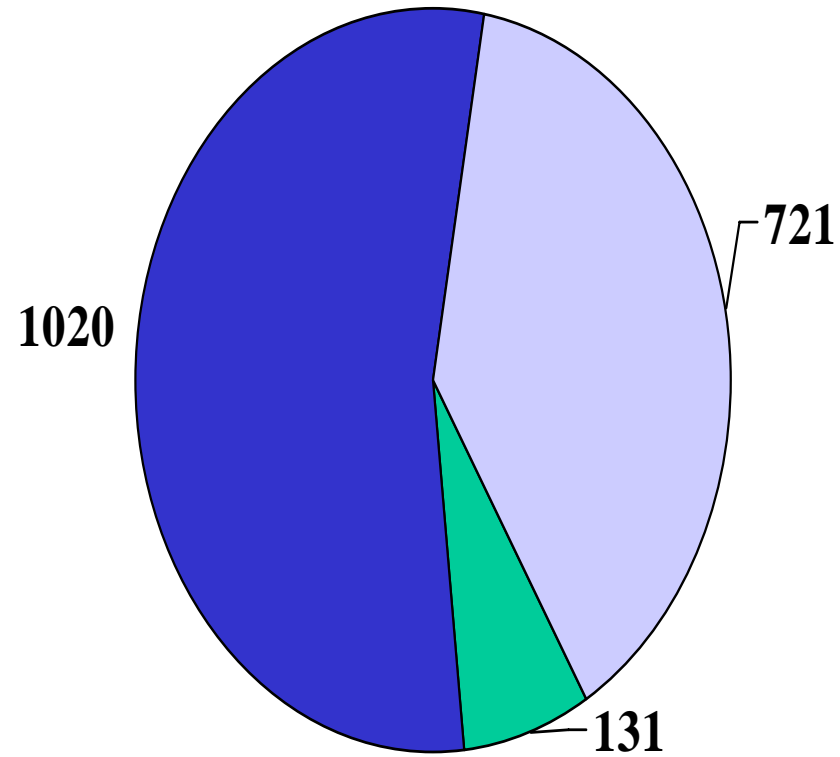
## Ranking – Subject areas complaint investigations

|  | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|--|------|------|------|------|------|------|
| Program Services                       | 2    | 1    | 1    | 4    | 4    | 4    |
| Medications                            | 5    | 5    | 2    | 3    | 3    | 1    |
| Resident Rights                        | 4    | 4    | 3    | 1    | 1    | 3    |
| Administration                         | 1    | 2    | 4    | 2    | 2    | 2    |
| Res. Behavior/<br>Facility<br>practice | 3    | 3    | 5    | 5    | 10   | 11   |
| Nutrition &<br>Food                    | 6    | 7    | 6    | 6    | 8    | 6    |
| Staff Adequacy                         | 9    | 8    | 7    | 7    | 7    | 5    |
| Abuse                                  | 12   | 11   | 8    | 9    | 5    | 7    |

## Ranking – Subject areas complaint investigations

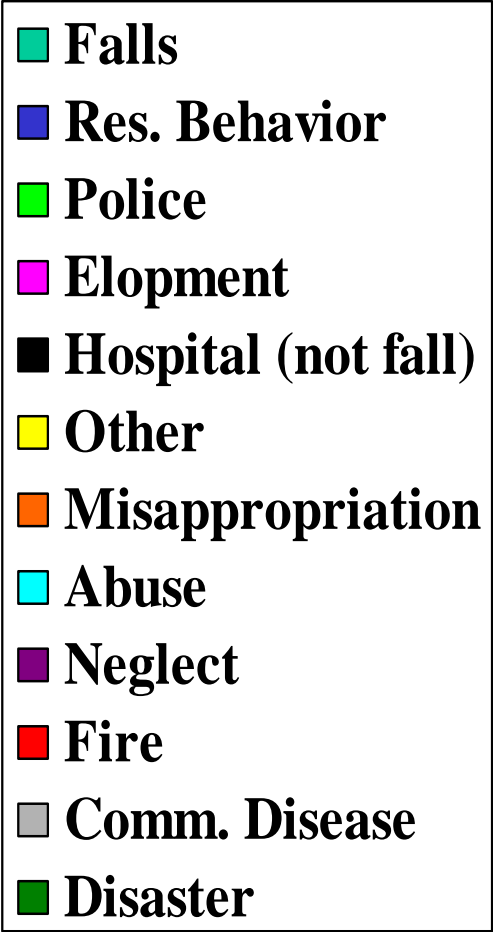
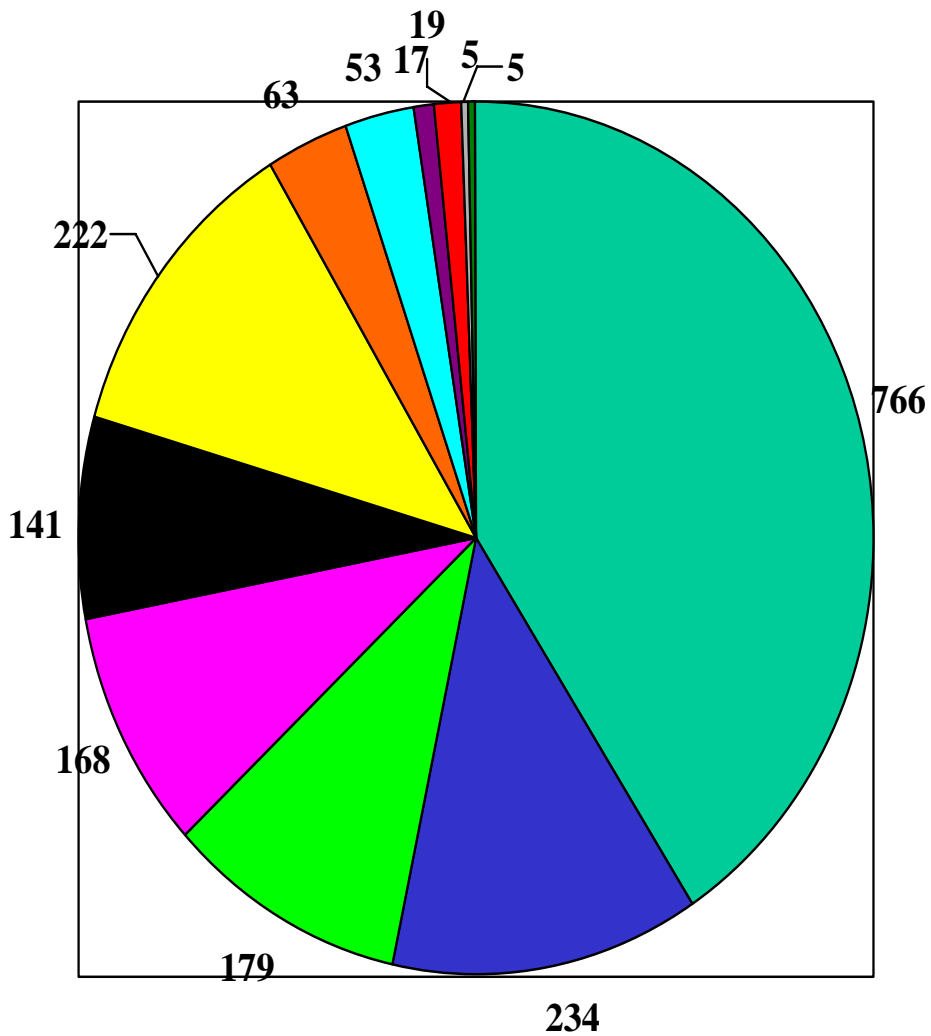
|                           | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---------------------------|------|------|------|------|------|------|
| Physical Plant & Hazards  | 10   | 10   | 9    | 8    | 12   | 13   |
| Supervision               | 7    | 6    | 10   | 11   | 6    | 8    |
| Staff Training            | 8    | 9    | 11   | 12   | 11   | 9    |
| Homelike environment      | 11   | 12   | 12   | 10   | 9    | 10   |
| Quality of Life           | 14   | 14   | 13   | 13   | 13   | 12   |
| Admission/ Discharge      | 13   | 13   | 14   | 14   | 14   | 14   |
| License capacity or class | 15   | 15   | 15   | 15   | 16   | 15   |
| Restraints                | 16   | 16   | 16   | 16   | 15   | 16   |

## Self Reports Received - CY 2008 (1,872)

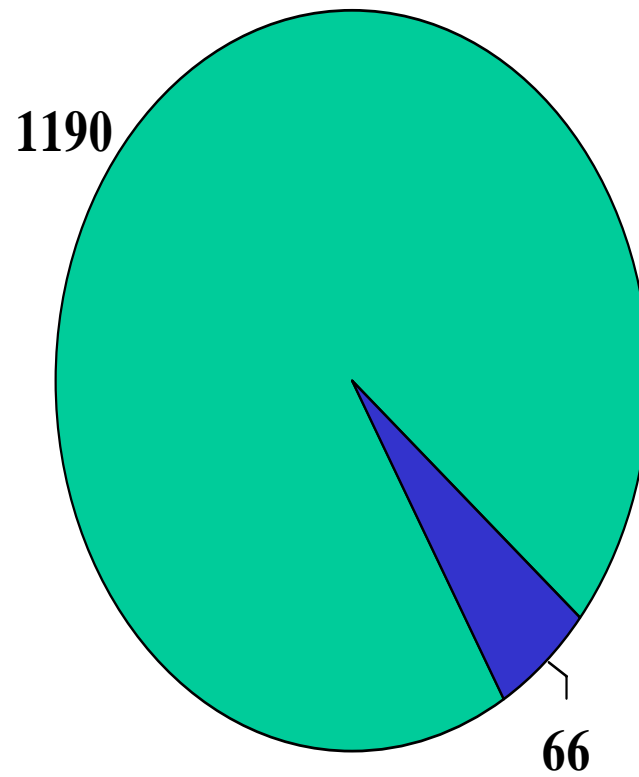


■ Open Investigation ■ Review next visit ■ File

# Self Reports CY 2008



## Self Reports Investigated - CY 2008 (1,256)



■ No SOD ■ SOD

# Assisted Living Regulatory Activity – CY 2008

- Standard Surveys 29%
- Initial Surveys 14%
- Abbreviated 17%
- Other (mostly Complaints) 40%



# Abbreviated Surveys

## CY 2008

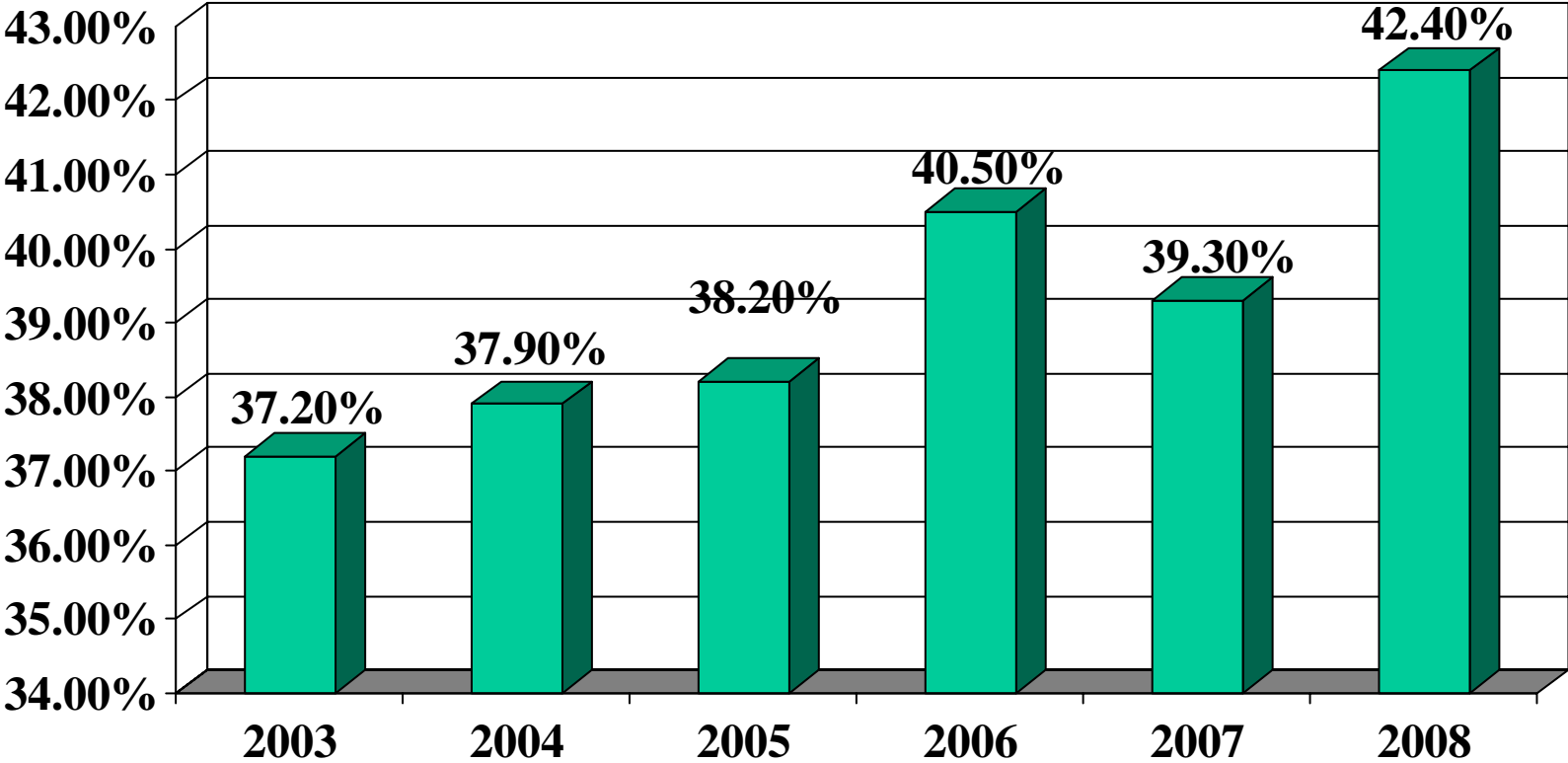
- No Deficiency Survey Survey - 68%
- Statement of Deficiency - 32%



# Facilities Qualifying for Abbreviated Surveys – CY 2008

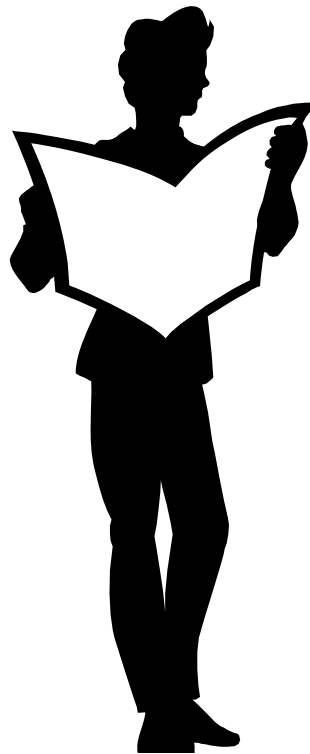
- Adult Day Care 62.3%
- Adult Family Homes 44.2%
- Community Based Residential Facility 38.4%
- Residential Care Apartment Complex 47.3%
  
- Statewide 42.4%

# Facilities Qualifying for an Abbreviated Survey



# Stories ...

(examples of enforcement actions)



# IN SUMMARY....

- This will be a challenging year for BAL which is faced with the restructuring of the regions, implementation of DHS 83, possible new workload with certifying new 1-2 bed AFHs, rewriting DHS 88 for licensed AFH and the continued growth and complexity of an ever changing industry.
- Growth continued in all 4 providers BAL regulates with an overall 4% increase in facilities and a 5% increase in beds.
- RCAC experienced the highest growth with a 12% increase. More RCAC growth with a 18% increase in certified as the gap with registered continues to widen
- ICF/MR rebalancing, NH relocation initiative and Family Care expansion having direct impact on AL growth. AL licensed beds exceeded NH & ICF/MR licensed beds in November 2008 with the gap projected to widen.

# IN SUMMARY....

- In addition to overall growth there is significant turnover with increases in voluntary closures, and Change of Ownership (CHOW). Although still significant with 282 new licenses issued, 2008 was the lowest in the last 4 years.
- Ownership for all of Assisted Living is 23% non-profit compared to 77% profit, although RCAC has 60% non-profit ownership.
- Corporate Ownership with affiliations to other facilities make up 66% of the regulated AL facilities with the highest in CBRF with 73%. 28 affiliated Corporate Clusters operating more than 10 facilities control 812 or 12% of all facilities.
- Fit and Qualified policy continues to have a positive effect on the industry by improving the qualifications of new licensee's and assuring stability with existing operations.

# IN SUMMARY....

- In 2008, BAL re-prioritized workload to concentrate limited resources on areas with greatest impact to improve the industry. Priority included quick response to serious complaints, revisits and increased monitoring of facilities with significant non-compliance. The following data reflects this change:
- # of Citations and citations per survey decreased as more surveys concentrated on targeted reviews.
- Citations issued were more complex and focused more on outcome tags with the top citations in licensee responsibility, medications, training, prompt & adequate treatment, adequate staffing, safe environment, quality of life and activities.

# IN SUMMARY....

- Although number of abbreviated surveys conducted decreased, surveys conducted resulted in the highest “no deficiency SOD issued” at 68%.
- # Number of surveys with enforcement decreased. With focus on facilities with significant non-compliance serious sanctions increased with increases in impending revocations, revocations, NNA, and forfeitures
- BAL continues to refine directed plans of correction to help facilities achieve and sustain compliance although these decreased 25% with the increase in more punitive sanctions.
- With more serious sanctions and higher forfeitures, appeals doubled from CY 2007.

# IN SUMMARY....

- Compared to number of facilities, CBRFs make up a significantly high proportion of enforcement
- Compared to number of beds, CBRFs and AFHs make up a significant high proportion of enforcement
- Facilities making up 100% of enforcement action decreased from 15.3% to 11.7%. 1.4% or 40 facilities make up 25% of all the enforcement actions. This is the group we have targeted this past year and decreased the number from 2.4% in 2007!

# IN SUMMARY....

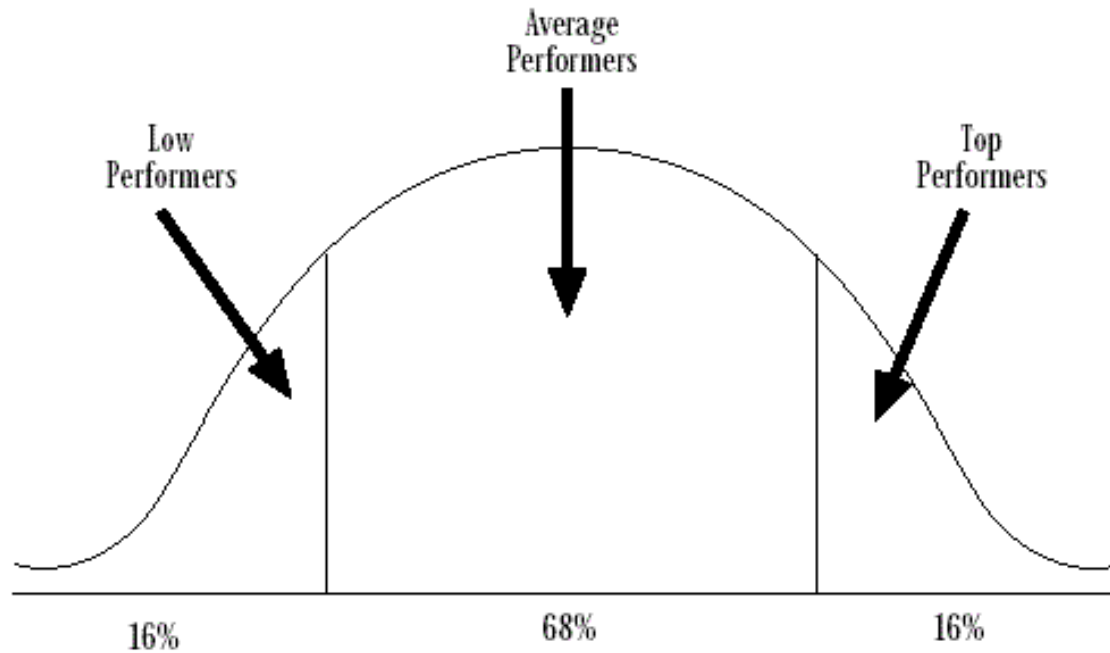
- Complaints increased in all 4 providers we regulate with an overall increase of 14%
- Complaints continue to be related to serious areas including: medications, resident rights, services, staffing, nutrition and abuse.
- Facilities making up 100% of the complaints increased from 15.4% to 16.1%.
- Compared to number of facilities, CBRFs make up a significantly high proportion of complaints, and RCAC slightly higher proportion.
- Compared to number of beds, CBRFs and AFHs make up a significantly high proportion of complaints
- Complaints continue to come from multiple sources with a significant portion coming through collaborations with key stakeholders.
- BAL staff substantiate a high number of complaints

# IN SUMMARY....

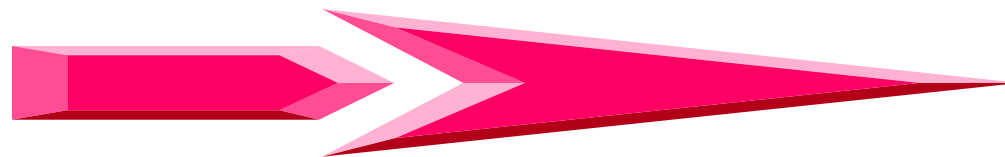
- Falls resulting in hospitalization make up 40% of self reports received. Resident behavior, police intervention and elopements have increased over the past few years and make up 32% of the total.
- Self reports received increased for the 3<sup>rd</sup> consecutive year since BAL began tracking with 1,872 in CY 2008
- When investigated, self reports usually do not result in deficiencies.

# IN SUMMARY....

- The “new resident” is impacting the regulatory activity
- BAL struggling to meet the workload with overall growth in industry, more complex investigations, more serious enforcement, increased complaints and self reports. Also increased attention related to legislative activity, civil lawsuits, media interests and increased public awareness.
- Majority of assisted living in Wisconsin is very good and continues to improve
- Collaboration continues to move the “bell curve to the right”
- More facilities qualifying for abbreviated surveys
- For CY 2008 only 11.7 % of facilities make up 100 % of enforcement action and 16.1% of facilities make up 100% of the complaints.



**Moving the Bell Curve to the Right...**



**Thank You!**