

In this issue: Nursing home staffing issues,
Antipsychotic drug follow-up, Anthony in the community



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Welcome back to the Leone Law, LLC e-newsletter. Our firm helps injured people and their families throughout Rhode Island and Massachusetts achieve justice for the harms and losses they suffer.

We represent people who have suffered serious personal injuries. Increasingly, individuals and families who have been victims of abuse and neglect in long-term-care environments like nursing homes, assisted living facilities and group homes are asking for our help.

Additionally, whether it be a car, truck, or motorcycle crash, a doctor's or hospital's negligence, a defective or dangerous prescription drug or other consumer product, or any other case where you or a loved one has been harmed through no fault of your own, Leone Law, LLC can help.

In past issues, we have discussed different types of nursing home abuse and neglect, alternatives to nursing homes and excessive prescription medication use in nursing homes. In this issue, we share an important article about nursing home staffing. We also offer more information about anti-psychotic drug use in nursing homes as well as discuss Anthony's continuing involvement in the community.



New York Times Article Confirms Consumer Voice Concerns about Nursing Home Staffing Levels and Data

The Consumer Voice is the leading national voice representing consumers in issues related to long-term care, helping to ensure that consumers are empowered to advocate for themselves. They are a primary source of information and tools for consumers, families, caregivers, advocates and ombudsmen to help ensure quality care for the individual.

The New York Times article, ['It's Almost Like a Ghost Town.' Most Nursing Homes Overstated Staffing for Years](#), substantiates Consumer Voice's long-standing concern about the inaccuracy of previous staffing information based on self-reporting and what we have heard from residents, families, ombudsmen and other advocates for years – staffing is inadequate, particularly on the weekends.

The Consumer Voice advocated for a payroll-based staffing data collection system to increase the accuracy and reliability of staffing information and is pleased that it is now operational. However, the fluctuations in staffing levels discussed in the article prevent consumers from getting a true picture of a nursing home's available staff. While progress has been made in the government's website, [Nursing Home Compare](#), and five-star rating system, further refinements of the data must be made.

The article underscores the relationship between staffing levels and quality. It demonstrates yet again the critical importance of adequate numbers of staff and speaks to the need for a staffing standard to ensure that residents in all facilities receive at least a minimum level of nursing care. Research and experience show the harm residents can suffer when there are not enough nursing staff to care for them.

The article also demonstrates why Consumer Voice and other advocates are so concerned about the Centers for Medicare & Medicaid Services's (CMS) efforts to rollback nursing home regulations in order to give facilities more flexibility and to reduce "provider burden." The current regulations, which require only that staffing be "sufficient" to meet the needs of residents, already give nursing homes flexibility in staffing. The result? The national average is 3.4 hours of combined direct care staff time (registered nurses, licensed nurses and certified nursing assistants) per resident per day, and 0.4 hours of registered nurse staff time per resident per day*. A landmark federal study indicated that 4.1 hours of direct care staff is the minimum amount of nursing care residents need to prevent common quality of care problems and loss of the ability to do things independently, like eating. According to the study at least 0.75 hours of registered nurse time is needed.

Consumers and the public must send a strong message to the CMS, Congress, and state legislatures that stronger, not weaker standards are needed, and rolling back nursing home regulations to reduce the burden on nursing home providers is not acceptable. The goal of government must be to protect consumers, not to make life easier for the regulated.

To achieve that goal, Consumer Voice calls on CMS to:

- Address the issue of fluctuating staffing levels in its rating system so consumers are not misled
- Use its staffing data to identify facilities that are not meeting minimum requirements for registered nurse staffing and enforce those regulations
- Strengthen – not weaken – nursing home regulations, particularly those relating to staffing

**SNF Payroll-based journal daily nurse staffing 2017Q4*

Source: theconsumervoicework.org, July 09, 2018, reprinted with permission

In a previous newsletter we [discussed the overuse of anti-psychotic medications](#) in nursing homes. As a follow up to that, we report...

Off-Label Use Of Antipsychotics Higher In Nursing Homes With Lower Registered Nurse Staffing, Study Finds



At least 5.7 million people in the U.S. have a form of dementia such as Alzheimer's, including more than half of all nursing home residents. Previous research has shown that nursing homes often overmedicate dementia patients with antipsychotic medications despite the fact that the FDA has not approved these medications for the treatment of dementia. Now, new research from the University of Missouri has found that increased staffing of registered nurses in Missouri nursing homes is associated with lower use of antipsychotics.

"Missouri has fewer registered nurse hours per resident than the national average, and it ranks high in antipsychotic use," said Lorraine Phillips, who conducted the research as an associate professor in MU's Sinclair School of Nursing. "We found that if registered nurse staffing in this state were to rise to meet the national average, the odds of antipsychotic use would go down by at least 22 percent."

[Read the full article.](#)

Anthony In The Community



Anthony continues to teach and participate in continuing legal education programs.

He recently joined the faculty at AAJ's Annual Deposition College in Detroit, MI. Anthony worked with trial lawyers throughout the country to help hone deposition skills. It was an honor for Anthony to teach alongside AAJ's amazing faculty and work with outstanding trial lawyers.

Anthony also recently moderated AAJ Nursing Home Litigation Group's all day Audit Trail seminar in Denver, CO. Nursing home injury lawyers throughout the country came together to gain expert knowledge on how to obtain and understand audit data in nursing home medical records.

Anthony continues to teach at Roger Williams Law School where he is teaching his regular Law Practice Management course and at the Community College of Rhode Island where he is teaching Law & Society this semester.

Finally, Anthony also spoke at the Rhode Island Bar Association's Bridge the Gap program for newly admitted Rhode Island lawyers and is looking forward to teaching Senior Abuse, Neglect & Injuries this spring semester at Roger Williams Law School.

About Anthony Leone

Anthony R. Leone, II, Esq. is an experienced trial lawyer who practices law in both Rhode Island and Massachusetts. He handles many different litigation areas including complex personal injury, particularly cases of senior abuse, neglect and injury in long term care facilities. Anthony is committed to every person's right to seek justice in the civil justice system.

Anthony is AV (preeminent) rated by Martindale Hubbell and has been regularly named to Rhode Island's list of Super Lawyers®.



Questions/Comments?

If you have questions about topics covered in this newsletter or would like to see a specific topic covered in a future issue, please feel free to contact us by calling (401) 921-6684 or by [visiting our website](#).

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