

# Washington Post Assisted Living Series “Memory Inc”

## AHCA/NCAL Talking Points

### December 2023

#### BACKGROUND:

Reporters from the Washington Post released an investigative piece with a series of articles regarding assisted living and memory care. The Washington Post pulled media and inspection reports documenting elopements—both fatal and non-fatal—over the past 5 years from around the country. They are looking at a variety of issues within the profession, including the lack of federal regulations/national standards, staffing shortages and staff training requirements, rising resident acuity, fines and penalties for elopements, consumer-facing information and transparency, financials including profits and REITs, and political contributions and activities.

#### Articles:

- [Dozens Of Assisted-Living Residents Died After Wandering Away Unnoticed](#)
- [Senior Homes Left Dangerously Understaffed Amid Assisted-Living Boom](#)
- [Accountability In Elder Care: What Questions Do You Have On Assisted Living?](#)
- [Facilities Where Seniors Died After Walking Away Or Being Left Unattended](#)
- [How Your State Regulates Assisted-Living Facilities](#)
- [Questions To Ask Before Choosing An Assisted Living Facility](#)

#### KEY MESSAGES:

- These rare incidents are a tragedy, and our hearts go out to those who have been impacted.
- The safety and security of our residents remains our top priority.
- Assisted living provides life-affirming care for nearly one million seniors every day, and residents and families are consistently satisfied with the care they receive.
- The majority of people who get into assisted living do it because they have a passion for serving seniors.
- Assisted living providers are committed to continuously improving and adapting to meet the needs of their residents, including those living with dementia.
- Federal regulation is not a panacea and state-based regulation is more dynamic, encourages more localized care models, and promotes innovation.

#### TALKING POINTS:

##### Commitment to Quality Care:

- Assisted living provides life-affirming care for nearly one million seniors every day, and residents and families are consistently satisfied with the care they receive.
  - We know that assisted living communities help to [reduce residents' frailty](#) after moving in and that 80% of residents and families are satisfied with their experience in assisted living (2023 CoreQ Data).
- **[State association]** consistently looks for opportunities to address and ensure quality care within assisted living settings. Our members participate in exceptional programs like the National Quality Award program through AHCA/NCAL.
  - A [recent analysis](#) of assisted living providers who earned a Silver or Gold award have better outcomes than those who do not, so we continuously promote and support participation in the program.

- Additionally, we work with our national affiliate to regularly assess recommendations for ongoing policy changes that support residents and caregivers in assisted living.

### Memory Care:

- Assisted living's primary focus in caring for those living with Alzheimer's disease or other dementias and to honor the individual. If you've met one individual living with dementia, you've met one.
- Today, there is unprecedented focus around life enrichment programs, non-pharmacological interventions, consistent staff assignment, and communicating the risks of off-label antipsychotic use to physicians and families.
- Policymakers, providers, advocates, and other stakeholders should continue to learn all that we can about dementia and come together to find ways to improve care.
- We should be cautious about additional regulations that would limit residents' independence and autonomy, as well as the ability to customize care for the individual.
- We encourage specialized dementia care training, but each community should determine how much training is necessary based on their specific resident population. Similarly, as each resident is unique, providers should assess how much staff should be assigned to each resident based on their individual needs and practice consistent staff assignment.
- Unfortunately, memory care is an increasing aspect of assisted living/long term care as a growing elderly population means more individuals are diagnosed with Alzheimer's disease or other dementias. So naturally, surveyors are taking a closer look at this part of the community, as much of the care impacts this population. It does not mean that memory care has worsened.

### Eloperments:

- The safety and security of our assisted living residents is our utmost priority. Elopements are rare, and any incident where a resident was injured or worse is truly tragic.
- Ensuring dementia care units are secure is a constant balance between adhering to what the resident and families want, what various regulations require, and the ability to maximize residents' autonomy.
- We encourage communities to have policies and procedures in place for when elopements occur, which includes constantly assessing their system for improvements and regular training.
- It's natural for someone with dementia to wander and can often be purposeful. And it doesn't just happen in assisted living; you'll often hear stories of people living at home who wander.
  - So, you're seeing many assisted living buildings keep this in mind when constructing and designing memory care (e.g., secure courtyards, winding hallways, disguising doors or dead ends).
- Some individuals with dementia (especially in the early and mid-stages of the disease) still have the wherewithal to figure things out. They can work out that they need to hold down a button for 30 seconds, or watch someone else punch in a code and learn it.
- This is an issue where the regulations may not always really understand the disease process or what's best for the person. **[REFER TO YOUR STATE'S SPECIFICS:** For example, if a resident leaves one floor and goes to another, that may be considered an elopement. If a resident steps onto the front porch of an enclosed yard, that has to be reported.]
- We have to be vigilant and continue to look for solutions that ensure their safety while still offering this home-like environment.

### **Staffing (Shortages & Training):**

- Assisted living, like all healthcare professions, is facing a historic labor crisis.
- Providers refuse to compromise on care, so staffing shortages mean many assisted living communities are limiting the number of residents they can serve.
- It is incredibly important for state policymakers to invest in our frontline caregivers, so assisted living communities can recruit and retain the caregivers our seniors need.
- We continue to work with lawmakers and stakeholders on developing appropriate training requirements, including **[refer to your state's specifics when relevant]**:
  - We fully support initial and ongoing training of assisted living staff.
  - We encourage specialized dementia care training, but each community should determine how much training is necessary based on their specific resident population.
  - We support developing appropriate training requirements that are evidence-based.

### **Information for Consumers & Transparency:**

- We support transparency and efforts to assist families in making more informed decisions.
- The information that residents and families need to make a decision about their loved ones care is available at both facility and state levels.
  - **[Highlight specific reporting systems]**
- Families and individuals are generally looking for care near where they live or in a specific community they're exploring. It's not often families are looking at national data or across multiple states to make this decision.

### **Assisted Living Financials:**

- First, the majority of people who get into assisted living do it because they have a passion for serving seniors.
- There is a wide variety of assisted living communities and companies out there. Financials may vary widely, especially among communities that care for residents relying on Medicaid.
- Healthy returns are not inherently bad. They can often be reinvested back into the assisted living community through wage increases, enhancing services, purchasing new technology, updates to the building, saving for a rainy day, or expanding their footprint to increase access to more seniors.
- Assisted living residents and families are consistently and highly satisfied because communities are able to adapt to their residents' wants and needs.
- Let's remember that nursing homes are often struggling to break even because of chronic government underfunding, and hundreds are closing every year. We don't want to replicate that in assisted living.

### **Real Estate Investment Trusts (REITs):**

- [Only 9%](#) of seniors housing/assisted living communities are owned by a REIT. Focusing on this issue is a red herring.
- Most REITs have no influence on daily operations.

- REIT relationships are not inherently bad for residents.
  - They can help create efficiencies for operators, helping them enhancing infrastructure and focus on customer experience and clinical care, rather than managing real estate.
  - They can also be a gateway for dedicated young professionals with little capital to get into the long term care field. Rather than having to purchase the land and building, they can enter a lease with REIT.

### Costs of Care:

- Instead of looking at the *cost*, I think it's important to consider the *value* you're getting out of assisted living. These communities take care of nearly everything: housing, care, meals, transportation, social activities, and more.
  - And it's actually cheaper than in-home care (homemaker services or a home health aide).
- But we agree that assisted living is out of reach for too many low and middle-income seniors.
  - Just this year, NCAL published a white paper exploring the importance of expanding affordable assisted living options and solutions to support it.
- Increasing access to more affordable options for individuals who don't qualify for or need 24/7 care is essential to the future of assisted living.
- We need a public-private partnership to make affordable assisted living viable and more widespread. **[State association]** is committed to working with policymakers towards solutions that support affordable options for low- or moderate-income individuals.

### Regulation/Oversight:

- First and foremost, assisted living is, in fact, highly regulated. It's simply different in that it's regulated at the state level instead of through blanket federal regulation that can often overlook the nuances of different states and populations.
- State-level regulation encourages more localized care models that promote innovation while prioritizing the care that residents need. In many cases, state regulation limits the amount of health care an assisted living community can provide. It's distinctly different than a skilled nursing center, and this is intentional.
- Federal regulations are not a panacea. Nursing homes have been federally regulated for decades, and everyone is dissatisfied with both the process and results there. The federal system has shown itself to be inconsistent and ineffective.
- Regulations from state capitals best address specific needs within assisted living communities, encourage innovation, and often seek collaboration between various stakeholders.
- It's also clear that state regulations tend to be more dynamic than federal regulations. States are consistently making changes as they determine how to best serve their constituents.
  - The recent [NCAL State Regulatory Review](#) found that two-thirds of states reported changes to their regulations between 2020-2022.
  - **[Insert state specific examples]**

### Political Activity:

- Our bipartisan advocacy efforts help ensure that lawmakers have a better understanding of long term and post-acute care and how policy and resources impact quality care.
- [State] consistently advocates for common-sense policies working with a variety of stakeholders.
  - **Refer to any state-specific policies**