

# Long-Term Care Survey Alert

## Survey & Regulatory Update

A recent OIG report casts nursing homes in a bad light, especially for-profits. "Trends in Nursing Home Deficiencies and Complaints" reported that more than 91 percent of nursing homes surveyed from 2005 to 2007 received deficiencies. And for-profits comprised a somewhat bigger part of that pie than did not-for-profits and government nursing homes, according to the OIG.

An LTC expert weighs in: The 91 percent rate of nursing home deficiencies has been "roughly stable for many years," observes **Joseph Bianculli**, an Arlington, Va.-based attorney who defends providers. And the number may simply reflect the survey system is good at citing deficiencies, he opines.

As for the findings showing that for-profits have more deficiencies, Bianculli suspects additional statistical analysis of survey deficiencies might shed some additional light on what's going on.

"Someone with an hour or two on their hands could do weighted averages based on recent data about average citations per state, percentages of ownership type per state, and the average number of beds per state to determine the average number of citations per bed by ownership type."

Otherwise, Bianculli is unaware of any reason other than survey agency bias why for-profits would have worse surveys.

"The incentives to avoid bad surveys -- cost, reputation, sanctions, possible loss of certification -- are identical for all facilities," he says.