

Long-Term Care Survey Alert

Survey Reporting: FORMER OPERATORS' SURVEY SINS AND DOT-COM SITES HAUNT NURSING FACILITIES

Providers and nursing home organizations are lobbying for a number of reforms to protect themselves and consumers from false and misleading online survey and quality performance ratings.

Top on the list: the way new owners of facilities often find themselves haunted by the survey sins and omissions of their predecessors □ long after they have turned a poor performer into a winner.

Attorney **Peter Mellette** with **Crews & Hancock** in Richmond, VA, tells **Eli** he's representing a nursing facility that underwent a change in ownership but kept the old provider number, as do most facilities to avoid a several-month payment delay.

"The new owner was dismayed that the survey information of the facility under its previous owner was transferred to the facility's new name on the **Centers for Medicare & Medicaid Services'** Web site," he reports.

Mellette believes that CMS should find a way to let visitors to its Nursing Home Compare Web site know that a facility has a new operator. "Otherwise, quality operators are discouraged from taking over troubled facilities," he says, "because they know that consumers may be scared away."

Providers also object to how CMS leaves consumer ratings of their nursing facilities completely out of the picture. Long-term care trade groups are pushing the government to measure and publish such information.

"After all, word-of-mouth is part of the essence of how people choose a physician or other provider," notes **Ed Towey**, spokesman for the **Florida Health Care Association**.

Dot-Com Boom a Growing Bane

Facilities are grappling with a growing number of so-called dot-com sites known for posting survey information from the dinosaur age □ or blatantly incorrect data, no apologies extended. "The consumer

Web sites can give consumers a false representation of the quality of a facility," notes **Sheree Lowe**, the **California Association of Health Facilities'** director of special programs and managed care.

"The Web sites only capture a facility at a moment in time which could be a bad moment or a very good one," Lowe adds. "For example, you may have a facility with a star rating that has a major crisis tomorrow, which won't show up for years on a consumer Web site."

In Lowe's view, consumers should be warned never to depend on a database in lieu of human interaction with a prospective nursing facility. "Consumers should understand it's extremely risky to choose a facility based on that approach," she emphasizes.

How can providers help in this educational effort? "Word-of-mouth works the best," says **Richard Block**, a home health and hospice provider in Woodinville, WA, suing a dot-com site for allegedly posting false information.

Litigation on the Horizon

More providers may end up taking legal action against Web sites that wield their dot-com power irresponsibly. Block alleges that a privately owned company in Lakewood, CO, refused to change false information posted on its Web site (www.healthgrades.com) about his agency. Health Grades also posts a nursing home report card and ranks top

physicians.

Block says he just wants his day in court — even though the case is now bogged down in jurisdictional issues over whether Colorado or Washington state should hear the cyberspace dispute, which has already cost his company thousands of dollars in legal costs. Sometimes such sites may have hidden motives.

Block tells **Eli** he uncovered one Web site ranking nursing homes that's actually run by a nursing home company.

"Now what's wrong with that picture? As providers, we have to keep a watch out for that kind of thing," Block emphasizes.

Lowe believes, however, that until facilities can actually show financial or reputational harm from the consumer Web sites, litigation will probably be at a minimum. "But if a facility can tie a reduction in census or getting dropped by a hospital to false information posted on a Web site, that'll change," she says.

Block also predicts that the private consumer Web sites may lose most of their raison d'être once CMS begins posting nursing home percentage scores on quality measures this fall as part of its national quality initiative (see p. 81).