

Attorney Timothy P. Crawford, CPA, CELA*, CAP**
wanted to share this information with you.

New Resource On Dementia Care

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Alzheimer's disease and other forms of dementia are among the most significant issues facing the elderly and their loved ones. Because people with dementia often lose the ability to communicate over time, they are especially vulnerable and need special care. To help improve care and the public's understanding of dementia care standards, the Long Term Care Community Coalition (LTCCC) has developed a new brochure designed especially for families and individuals affected by Alzheimer's disease and other dementias. This resource, *Get the Facts about Antipsychotic Drugs and Dementia Care*, developed with support from the Centers for Medicare and Medicaid Services, will help people understand important issues surrounding the use of antipsychotic medications in people with dementia, know what kinds of questions to ask and where to go for further help and information.

Thirteen percent (13%) of all seniors suffer with Alzheimer's Disease, the most notable (but not the only) type of dementia. Among our growing numbers of older elderly (people 85 or older) 43% have Alzheimer's. Unfortunately for these individuals and their families, and despite the FDA's 'black box' warning, powerful and dangerous antipsychotic drugs are frequently used to treat symptoms of dementia. These antipsychotics are used as a form of chemical restraint, often stupefying these individuals so that they are more easy to care for, particularly in nursing homes, hospitals and assisted living. In addition to destroying social and emotional well-being, these drugs greatly increase risks of stroke, heart attack, Parkinsonism & falls.

The misuse of antipsychotic drugs in nursing homes in particular is a widespread yet preventable problem. Approximately one in four nursing home residents are given these drugs every day. As the U.S. Inspector General Daniel Levinson noted, "Too many [nursing homes] fail to comply with federal regulations designed to prevent overmedication, giving nursing home patients antipsychotic drugs in ways that violate federal standards for unnecessary drug use." The Inspector General concluded, "Government, taxpayers, nursing home residents, as well as their families and caregivers should be outraged – and seek solutions."

In response to the Inspector General's report and consumer demands for a response, the federal Centers for Medicare and Medicaid Services launched an antipsychotic drugging initiative in March 2012.

Resources:

Get the Facts About Antipsychotic Drugs and Dementia Care This brochure was designed especially for families and individuals affected by Alzheimer's Disease and other dementia, to help them understand important issues around the use of antipsychotic medications on people with dementia, know what kind of questions to ask and where to go for further help and information.

Federal Requirements Regarding Dementia Care & Antipsychotic Drugs: This report, released October 2012, presents an overview of the federal regulations that may be relevant when antipsychotic medications are used and the specific data tags, called "F-Tags," that apply to each of the regulations and that are used by state and federal surveyors to code deficiencies. A summary and citation to the applicable federal regulation is provided for each of the F-Tags, to facilitate understanding of the relevant standards and requirements when antipsychotic drugs are used on people with dementia.

Nursing Home Compare: The federal website with quality information on every nursing home in the country that accepts Medicare and/or Medicaid. Starting in July 2012, listings include information on a facility's antipsychotic drugging rates under the "Quality Measures" tab.

Nursing Home Complaint Resources: Medicare.gov has resources and the federal form you can use to file a complaint with your state about nursing home drugging or any other problem you are not able to resolve with the facility. <http://www.medicare.gov/NHCompare/static/tabSI.asp?language=English&activeTab=4&subTab=1&version=default>

Mandatory Surveyor Training - Improving Dementia Care and Reducing Unnecessary Antipsychotic Medications in Nursing Homes: In January 2013 CMS posted "two mandatory surveyor training programs related to surveying for care of persons with dementia and unnecessary medication use in long term care facilities." These materials are accessible to both surveyors and the public at: <http://surveyortraining.cms.hhs.gov/pubs/AntiPsychoticMedHome.aspx>. An additional component to the training is expected to be available on the same website in Spring 2013. These trainings are important for surveyors (nursing home inspectors) and all stakeholders because they address what the federal requirements are for nursing homes and how the state survey agencies are charged with enforcing them.

CMS Hand in Hand: This training kit on caring for people with dementia and preventing abuse is geared towards nursing home caregivers but is relevant to care for people with dementia in all settings. Copies of the toolkit were sent out to every nursing home in the U.S. by CMS and is available for free from <http://www.cms-handinhandtoolkit.info/Index.aspx>.

The Affordable Care Act requires that every nurse aide receive training on dementia care and abuse prevention and, as the CMS website notes, this training was developed "to address the need for nurse aides' annual in-service training on these important topics."

CMS Video Launching National Initiative to Reduce Use of Antipsychotics & Surveyor Training: In March 2012 CMS officially launched its campaign with this video. CMS stated: "CMS is developing a national action plan to improve behavioral health and to safeguard nursing home residents from unnecessary antipsychotic drug use. Through a multidimensional approach including research, public reporting, raising public awareness, regulatory oversight and technical assistance/training, we hope to enhance person-centered care for nursing home residents, particularly those with dementia-related behaviors." In addition to the video, this site has a case study and other materials for surveyors.

Office of Inspector General Report on Antipsychotic Drugs and Elderly Nursing Home Residents: This report, issued in May 2011, was a major force in driving the current campaign to stop inappropriate use of antipsychotic medications.

Office of Inspector General Report: "Nursing Facility Assessments and Care Plans for Residents Receiving Atypical Antipsychotic Drugs": This study, issued in July 2012, examined records of off-label antipsychotic drug use and found that virtually all... "(99 percent) failed to meet one or more Federal requirements for resident assessments and/or care plans."

The NY State Department of Health and the Office of the Medicaid Inspector General Issue Joint Letter & Resources to All NYS Nursing Homes on Standards Regarding Use of Antipsychotic Drugs: On March 6, 2013, the New York State Commissioner of Health, Nirav R. Shah, M.D., M.P.H., and the New York State Medicaid Inspector General, James C. Cox, issued a joint letter to all NY State nursing homes to provide guidelines and direction for compliance with federal regulations regarding unnecessary drugging, "with specific emphasis on antipsychotic medications." Attachments include an excellent recommended protocol for prescribing antipsychotics to the elderly and other resources.

Toxic Medicine – What You Should Know to Fight the Misuse of Psychoactive Drugs in Nursing Homes This guide from the California Advocates for Nursing Home Reform, covers the basics regarding psychoactive drugs in nursing homes, from a description of their uses and side effects to an examination of the applicable laws. While the guide focuses on California, it is largely relevant to consumers nationwide. Most importantly, the guide gives practical tips for nursing home residents or their family members to prevent misuse of psychoactive drugs.

Encouraging Comfort Care: A Guide for Families of People with Dementia Living in Care Facilities: This booklet from the Alzheimer's Association - Greater Illinois Chapter provides useful information to families and long-term care facilities personnel about Alzheimer's disease and related dementias, particularly care issues related to the late and final stages.

Misuse of Antipsychotic Drugs in Nursing Homes: The National Consumer Voice for Quality Long Term Care has a webpage dedicated to antipsychotic drug issues. It provides a variety of valuable resources, including excellent presentations from a webinar held in September 2012.

LTCCC Statement to U.S. Senate on Antipsychotic Drug Use in Nursing Homes On November 30, 2011, the U.S. Senate Special Committee on Aging Held a Hearing: "Overprescribed: The Human and Taxpayers' Costs of Antipsychotics in Nursing Homes." The hearing recording and materials are available at <http://aging.senate.gov>.

American Geriatrics Society Updated Beers Criteria for Potentially Inappropriate Medication Use in Older Adults

**“Those Who Plan Ahead Win.
Those Who Don’t Plan Ahead Lose.”**

This article is for informational purpose only and is not intended as legal advice. It is recommended that you call Timothy P. Crawford for a free conference to discuss your situation in more detail. Attorney Crawford can be reached at 1-262-634-6659. Please refer to this article when you call.

*Attorney Timothy P. Crawford is a Nationally Board Certified Elder Law Attorney (**CELA**). He has been Board Certified by the National Elder Law Foundation which has been approved as the Sole Certifying Organization for Elder Law Attorneys by the American Bar Association.

Timothy P. Crawford was invited to join the Council of Advanced Practitioners (CAP**) of the National Academy of Elder Law Attorneys (**NAELA**) in August of 2005. **CAP** is a small group of premier elder law attorneys, all of whom have been members of NAELA for at least 10 years, are certified as elder law attorneys by the National Elder Law Foundation, and are AV rated by Martindale Hubbell, a service that provides an independent rating of the quality of attorneys, as one of the top attorneys in the nation.

Attorney Timothy P. Crawford has been selected as a **Fellow** of NAELA. **Fellow** is the highest honor bestowed by the Academy. Selection as a **Fellow** signifies that his peers recognize the lawyer as a model for others and as an exceptional lawyer and leader.

Attorney Timothy P. Crawford has a superb rating of 10 out of 10 with A V V O.

A V V O has awarded to Attorney Timothy P. Crawford the A V V O Client’s Choice Award.

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**"Helping Families in Wisconsin for Over 40 Years
to Protect Their Assets from Nursing Home Care Costs"**

“A majority of text has come from an article prepared by the National Academy of Elder Law Attorneys is used here with permission.”