

## Choosing Long Term Care

by Michael A. Brusca, Esq.

For many people, when choosing long term care for their parent they do not get the luxury of the time they may have expected. Typically, long term care becomes mandatory after an accident, like a hip fracture, or an unexpected medical event such as a stroke. When it comes to choosing facilities, most people are faced with having no idea what to do or what questions to ask.

As an attorney who dedicates my entire practice to representing vulnerable individuals and their families in wrongful death, catastrophic injury, negligence and abuse claims arising in nursing homes, assisted living facilities, psychiatric facilities, hospitals, boarding and group homes, I know this problem well. Many of the families I represent were not prepared to choose long term care when the time came. This article is designed to give some basics on long term care.

**Independent Living** – These residences are apartments for seniors that are totally independent. They may be close to local amenities such as the hair salon or shopping, and may provide transportation services. They offer little to no care.

**Assisted Living Facilities (ALF)** – ALFs offer the next level of care and are only regulated by vague state regulations. As a result, they can offer a wide range of services from apartments with light cleaning, meals, and medication assistance, to locked wings with high supervision for dementia and Alzheimer's residents, to caring for residents requiring nursing home level of care. Unfortunately, almost no ALFs offer true nursing home level of care.

Many catastrophic injury and death cases in ALFs we investigate occurred because the facility either took someone they should not have, or kept someone they could no longer safely care for as the person grew older. It is important to know what your loved one requires and ask specifically how the facility can meet those needs. While doctors sign-off on ALF placement, doctors rarely know anything about the facility, the staff, have no role in the plan of care for a person, and typically rely on the facility only to accept residents it can care for. It is important to

be a strong advocate. Knowing what a facility can and cannot do is vital. It is important to know an ALF's limits, which may not be told to a family without asking. You may be in a better position to decide to move a loved one than the facility.

ALFs get surveyed by the state and when there are complaints. Ask to see the surveys from the last few years. If there are citations, ask how the facility fixed the problem.

ALFs are headed by an executive director (administrator) and nurse wellness director. Ask how many of each they had in the past three years. High turnover could be a problem. Ask also about aide turnover and aide to resident ratios. Low turnover and low ratios typically mean happier workers and better care.

**Skilled Nursing Facility SNF** – SNFs, or nursing homes, offer the highest level of care. Since they are very regulated SNFs are supposed to meet minimum standards that are high.

Screening a SNF is similar to an ALF. SNFs also have annual and complaint surveys you should ask to see. When there were problems, ask how they were fixed, and why they will not apply to your loved one.

SNFs are headed by an administrator and director of nursing. Ask about turnover in these positions, as high turnover could indicate management problems.

Importantly, ask about staffing levels. New Jersey requires a certain number of nursing hours per patient determined by a complex mathematical formula. However, just meeting this requirement may not be helpful. A math formula just tracks warm bodies in the building, not employee satisfaction, training, skill levels, or how much staff care about the residents.

Ask the admissions director if just meeting the state minimum requirements is "adequate." If so, this may be a red flag. Also, ask to meet some nurses and aides. They will be caring daily for your mom or dad. See if you think they will be a good fit.

Ask also about staff turnover and ratios of aides to residents. These are num-



bers they know. As with ALFs, low turnover and low aide to resident ratios typically mean happier workers and better care.

Ask to see the entire building, or the part of the building where the resident will live. Sometimes facilities have a wing of the building they like to show to visitors that is different from the rest of the facility.

There are numerous websites where you can get information for SNFs. Medicare runs the Nursing Home Compare website, a very helpful website which gives the last survey results:

<http://www.medicare.gov/nursing-homecompare/>

ProPublica also runs an excellent website called the Nursing Home Inspect Tool that allows free downloads of past surveys:

<http://projects.propublica.org/nursing-homes/>

Choosing long term care is difficult enough. Knowing the proper facilities and questions to ask is key to being the best possible advocate for your loved one.

**Michael A. Brusca** is an associate in the *Nursing Home Litigation Group of Stark & Stark*, 993 Lenox Drive, Lawrenceville. [mbrusca@stark-stark.com](mailto:mbrusca@stark-stark.com).

---

*When choosing long-term care knowing the proper facilities and questions to ask is key to being the best possible advocate for your loved one.*

---