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Assisted living reviews faulted

Audit finds state did only a quarter of required facility inspections last year

By Greg Garland

Sun reporter

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About three-quarters of Maryland's roughly 1,500 licensed "assisted-living facilities" for the elderly went unchecked by regulators despite a state law that requires annual inspections, according to a legislative audit released yesterday.

"It is something Maryland should be ashamed of," said Kate Ricks, chairwoman of Voices for Quality Care, a nonprofit group that advocates for the elderly. She said she is appalled that Maryland did only a fraction of the required annual inspections during the fiscal year ending June 30, 2006.

She faulted the General Assembly for failing to appropriate enough money to run the office that is charged with inspecting assisted-living facilities. The elderly depend on state regulators to monitor conditions inside assisted-living centers to ensure that residents are being cared for safely and humanely, she said.

Assisted-living centers differ from nursing homes in that they offer a smaller and more homelike setting, and nursing home residents tend to have more acute medical needs. Most of those in assisted-living centers pay privately; most nursing home care is billed to federal Medicare or Medicaid programs.

In their report, legislative auditors wrote: "State law requires that these facilities be inspected at least annually."

Wendy Kronmiller, director of the Department of Health and Mental Hygiene's Office of Health Care Quality, said her agency has 24 "surveyors" to investigate complaints and do inspections statewide of assisted-living facilities and is stretched too thin to inspect all of them annually.

"You can't expect us to do all the surveys every year with the staff we have," she said. "It's just not a possibility."

Ricks said she doesn't fault Kronmiller's office for the problems.

"They are scrambling to hold this thing together the best they can, and they can't because they don't have enough people to do it," Ricks said.

Harsh treatment

Last year, Kronmiller's office submitted a report to a legislative oversight committee that described harsh conditions and poor treatment at some assisted-living centers in Maryland.

The report described how a resident of one facility was left unsupervised on a porch during a summer heat wave until the person's body temperature reached 107 degrees. In another case, residents were locked in a boiler room because of behavioral problems.

One elderly resident of an assisted-living center in Millersville died in 2003 as a result of what Kronmiller called "one of the worst cases" of patient neglect she had ever seen. The 84-year-old woman was taken to the hospital with severe bedsores over much of her body, gangrene in one foot and maggots in the other. She died two days later. The center's owner pleaded guilty last year to felony neglect and other charges and was sentenced to 18 months of house arrest.

The report said regulators attended one seminar in which 500 people were told that government funding of health care was the next way to "get rich quick." A flier for the seminar advertised: "Make Fast Cash In Assisted Living."

Regulators say they have been increasing the number of inspections but have never had enough staff to visit and review every facility annually.

"This is mainly a budgetary issue and barring the receipt of additional resources may be difficult to resolve," state health officials wrote in response to the audit.

Carol Benner, who headed the Office of Health Care Quality before Kronmiller, said the state has good regulations in place to govern assisted-living facilities but needs the staff to enforce them.

"Unfortunately, sometimes what has to happen is a crisis or a catastrophe before a program will be adequately funded," Benner said.

More inspectors

The legislative audit found that regulators had not inspected 1,139 of the 1,567 licensed assisted-living facilities during the fiscal year that ended June 30, 2006 - 73 percent.

Kronmiller said her office was able to hire five more inspectors over the past year and increased inspections in the fiscal year that ended this past June 30. She said the agency inspected 611 of 1,361 licensed sites, or 45 percent of the total.

"It's not just a matter of throwing surveyors into the program; it's a matter of adding and training people incrementally and using our resources and managing wisely," she said.

She said all of the state's 236 nursing homes were inspected annually during the most recent fiscal year, as is required. The state gets federal funding to inspect nursing homes, she said.

Kronmiller did not have figures available on how many people are housed in licensed assisted-living centers but said most of the facilities have five to 16 beds.

Dozens of assisted-living facilities operate around the state without a license, she said. When regulators learn of them, they are closed and the owners are fined, she said.

Benner said regulators need to monitor what goes on in assisted-living facilities to prevent problems. Many residents suffer from dementia or health problems and are vulnerable to abuse, she said.

Kronmiller said her agency has escalated its enforcement actions, forcing 40 facilities to close over the past five fiscal years.

Dana Kauffman, vice president of public policy for LifeSpan, a trade organization that represents many larger and more established nursing homes and assisted-living centers in Maryland, said the organization's members have no problem with annual inspections.

She said LifeSpan has testified at General Assembly hearings and requested additional funding from the Office of Health Care Quality for enforcement.

"The state needs resources to be able to go after poorly performing providers," Kauffman said. "A poorly performing provider taints the entire industry."

greg.garland@baltsun.com