

'A race to the bottom?' How U.S. nursing homes are failing us

*featuring Tony Chicotel,
California Advocates for
Nursing Home Reform*



This time on Code WACK!

The COVID pandemic devastated nursing homes and other long-term care facilities highlighting the need for major reforms. **What are the policies behind the often dismal performance of the nursing home industry? What policy changes have been made so far and why are nursing home residents still so vulnerable?**

To find out, we spoke to **Tony Chicotel**, senior staff attorney at [California Advocates for Nursing Home Reform](#), or **CANHR**, where he promotes the rights of residents in long-term care facilities through litigation, legislation, regulatory policy, and consumer education.

SHOW NOTES

WE DISCUSS

Nearly half of people turning 65 will need some type of paid long-term care services in their lifetime. How would you characterize the state of nursing homes today, in terms of both safety and quality of care?

"The first word I think of is "wanting." The second thing I think of is we can do far better for the amount of money that we spend collectively on nursing home care. I think we can do far better from a safety perspective and from a quality of care perspective. Much better.

"... I think overall we have pretty good federal regulatory standards and statutory standards. I think overall in California we have really good regulatory and statutory standards.

"The problem is that just those promises have not been realized in the average consumer experience. And I think a big piece of that is enforcement.

"And I also think that another piece of that is that the incentives don't really align ... pretty much our worst nursing home care providers get paid about the same as the best, and when you don't have incentives to really differentiate yourself by quality in a for-profit industry, then you're gonna have a lot of times a race to the bottom." – **Tony Chicotel**

According to the Kaiser Family Foundation, one out of five COVID-19 deaths were residents and staff of long-term care facilities, which includes assisted living and nursing homes. What happened? Could we have avoided this high death rate?

"We could write a book about this. I mean, honestly, what happened is it was a perfect storm. We had a long track record, decades of infection control failures in nursing homes and in long-term care facilities. For years, the number one cited deficiency nationally in nursing homes was infection control failures. So we had sort of that as our background.

"And then you introduce a highly infectious, very lethal disease for people who are older and frail health, and it's like fire through dry grass. ...

"It just blew in and was devastating. So the facilities were very, were very poorly prepared to fight an infection ... that was this contagious and this lethal. They didn't have the PPE, they didn't have the training. They didn't have the traditions and the culture of highly-regarded infection control. So we had many, many deaths.

"Could it have been avoided? Absolutely ... I think one of the biggest pieces that hasn't been talked about a whole lot related to the number of deaths in nursing homes during the pandemic was that a lot of them were not COVID-19 related. A lot of them were because of the isolation and the poor care and neglect that occurred when we locked all of the outsiders out of nursing homes.

"...policy makers were really slow to recognize all the deprivation that they had caused by prohibiting access to the facilities I think that was a major mistake and I think it led to a lot of suffering, unnecessary suffering and death." - ***Tony Chicotel***

What about the staffing issues that nursing homes have faced long before the COVID pandemic even started?

"... nursing homes as a general industry are widely understaffed. ... almost all the complaints we receive at some level have an understaffing component to them, and this has been going on for decades.

“And the primary reason why is because staff is the number one cost of doing business in a nursing home. So if you want to make profit or you know, higher profit, the one way, the easiest way to do that is to cut staffing and to try to get by with as little as possible.

“And when we have an enforcement system that tolerates, to some extent, poor care and understaffing as sort of par for the course, and you get a situation where the providers really have very little incentive to staff up. So it's been a pretty consistent problem for many decades.” – **Tony Chicotel**

Helpful Links

[California Advocates for Nursing Home Reform](#)

[Americans give nursing homes a D+ grade for quality of care, new poll shows](#), *The 19th*

[Few Nursing Facility Residents and Staff Have Received the Latest COVID-19 Vaccine](#), *Kaiser Family Foundation*

[Feeling powerless, families bring elderly home in pandemic](#), *AP News*

[California Dangles Bonuses for Nursing Homes That Add Staff](#), *California Healthline*

['They Were Traumatized': How a Private Equity-Associated Lender Helped Precipitate a Nursing-Home Implosion](#), *Politico*

Episode Transcript

Read the [episode transcript](#).

Guest Biography - Tony Chicotel

Tony Chicotel is from Huron, Ohio and a graduate of Muskingum University (B.A.) The Ohio State University College of Law (J.D.) and the University of California School of Public Policy (MPP).

Since 2006, Tony has worked for [California Advocates for Nursing Home Reform](#), also known as CANHR.

His primary work is to promote the rights of residents in long term care facilities - through litigation, legislation, regulatory policy, and consumer education.

Tony's focus areas include: civil rights, eviction defense, dementia care, incapacity and decision making, conservatorship, and end-of-life care.

Get Involved / Take Action

[Subscribe to Code WACK!](#) *to catch all our weekly podcast episodes.*

[Subscribe to HEAL California](#) *for health policy news with a California focus*

[Join Healthy California Now](#) *- a coalition working toward a California single-payer system. Individual and organizational memberships available*

[Join the CalCare Campaign](#) *to win single-payer in California, sponsored by National Nurses United/California Nurses Association.*