

Advocates mystified as proposal to tighten nursing home oversight killed

By [Kay Lazar](#) | GLOBE STAFF JULY 01, 2016

State lawmakers rejected a proposal on Thursday that would have raised maximum fines on troubled nursing homes from \$50 a day to \$10,000, prompting questions from elder advocates about the influence of industry lobbyists.

Records from the secretary of state show that the Massachusetts Senior Care Association, the industry trade group, has paid two Boston firms a total of \$635,000 since 2011 to lobby lawmakers on nursing home issues. One of those firms, Travaglini, Eisenberg & Kiley, founded by former Massachusetts Senate president Robert E. Travaglini, received most of that money, \$435,000.

Neither the trade group nor Travaglini returned calls seeking comment on the nursing home fines.

The proposal that would have raised fines also dictated that money collected from the higher fines be used to establish a trust fund dedicated to improving nursing homes. The higher fines were stripped from the state budget lawmakers approved Thursday.

Still, legislators left intact language establishing the trust fund, even though there will be no money to support it.

“It’s a slap in the face to vulnerable nursing home residents and their families, and advocates,” said Wynn Gerhard, an elder-law attorney at Greater Boston

money and ^{Comments}resources, and they aren't going to be deterred by \$50 a day, which isn't even enforced."

State Senator Mark C. Montigny, who sponsored the proposal and has long backed tougher nursing home rules, said the failure to toughen oversight of nursing homes "boils my blood."

"This is one of those where you shake your head and say, we need resources, we claim we are in a tough budget year, and everyone says we need a higher fine," said Montigny, a New Bedford Democrat and vice chairman of the Legislature's Joint Committee on Health Care Financing.

"It's just an industry that doesn't want to be held accountable, and that's unfortunate because there are a lot of good [nursing homes] that would benefit from closing down the bad ones," Montigny said.

The push to bolster the regulation of nursing homes comes amid revelations about the arrival in Massachusetts of an out-of-state, for-profit chain beset by reports of substandard care and short-staffing.

Earlier this year, a Globe review found that for-profit nursing homes, which constitute three-quarters of facilities in the state, frequently devote less money to nursing care compared to nonprofit homes, and often have more health and safety violations. The review also found that some nursing home owners were paying themselves salaries in excess of \$1 million.

Montigny's proposal also called for the state's Center for Health Information and Analysis to conduct an in-depth examination of the finances of the state's roughly 400 nursing homes on an "institution-specific" and "industrywide" basis. The project was to include an analysis of nursing home spending on patient care in relation to other costs, revenues, and profit margins.

That proposal was also killed by lawmakers in the new budget.

A spokeswoman for the Senate Ways and Means Committee declined comment, as did a spokesman for the House Ways and Means Committee.

Lawmakers ^{Comments} did approve money sought by the nursing home industry to boost wages for low-paid nursing aids. The association had lobbied for \$90 million in the state budget for the worker pay campaign, and suggested a complex formula that would have designated a chunk of that money for the nursing homes.

Lawmakers approved \$35.5 million for worker wages and benefits, but also ordered an audit of the funds, with that report due to the legislature by Jan. 30.

The union that represents workers in some of the state's nursing homes joined with nursing home owners in April to fight for the increase after expressing earlier concerns.

Leaders from 1199SEIU United Healthcare Workers East said they wanted assurances most of the money would go to higher wages for workers. Tyrék D. Lee Sr., the executive vice president of 1199SEIU, described the new money as a major victory for nursing home workers in a statement Thursday.

“Quality care is directly linked to quality jobs, and these new wages are paramount to guaranteeing quality long-term care for Massachusetts seniors, people with disabilities, and their families,” Lee said.

The union “will remain vigilant in the implementation phase to ensure this money goes directly to the workers who deserve it.”

The nursing home association released a statement from its president thanking lawmakers for the additional money for worker wages.

“We applaud legislators for their continued commitment to quality nursing home care and the staff who dedicate their lives to providing quality care for more than 150,000 residents annually,” said Ned Morse, the association's president. “We urge the governor to sign into law this important provision.”

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