



# Senior

*A Better Quality of Life for Seniors, Our Staff and Others*

SENIOR PSYCHCARE  
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MEDIPSYCH & SENIOR PSYCHOLOGICAL CARE, LLC

# Minutes

**Supporting Culture Change:  
Working Toward Smarter State  
Nursing Home Regulations**

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The Pioneer Network is an advocate for person-directed care in the long-term care community. It returns control to elders and those who work closest with them. Their vision is life-affirming satisfying, humane and meaningful experiences for all involved in long-term care. Culture change, in long-term care communities, can transform a “facility” into a “home.” Over the past decade, this culture movement has begun to attract many nursing home providers.



As more nursing home providers engage in culture change efforts, they have raised concerns about federal and state regulations and practices that they view as barriers to successfully implement the culture change. These regulations and barriers are mainly viewed by providers as primarily legalistic and enforcement-based. Administrators and staff are afraid to pursue culture change because they prevent necessary changes to the physical environment, staffing patterns and training requirements.

## Nursing Home Regulation: Background

During the early 1960s, a wave of nursing home scandals attracted the attention of politicians, the media and advocacy groups. Since then, concerns about the quality of nursing homes have been periodically debated and addressed. From that, the response to nursing home quality problems was the passing of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87). OBRA 87 required nursing homes to “attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.” To achieve this goal, standards were developed, enforcement mechanisms were expanded and nursing homes were required to fill out a resident assessment, which then basically became paper compliance rather than focusing on the actual quality of care and life experience of residents.

Today, nursing home quality oversight is focused on deterrence. The federal government (and many states) rely on rigorous surveys and certification processes to set and enforce standards regarding every aspect of nursing home care. This model combines two regulatory paradigms—deterrence and compliance. The compliance approach, on the other hand is generally less formal and more supportive, measuring improvement in developmental terms and using sanctions only as a last resort.

As culture change, in long-term care communities, gain momentum among providers, consumers and policy makers, there has been concerns about implementing physical redesign of nursing facilities such as putting the “home” back into the concept of nursing homes and changing the organizational structure and staffing patterns that violate existing regulations. The main principle of responsive regulation is that regulatory methods and approaches should be adapted in response to the behavior of individual organizations. This paradigm encourages cooperation, information-sharing, and negotiated agreement between regulators and providers while retaining the powerful incentives and sanctions of deterrence regulation.

This summarization of this brief highlights issues related to the real and perceived tensions between regulation and culture change and examines how the federal government and states could move toward a relationship that combines a traditional regulatory role with a complementary technical assistance and partnership role to achieve a better quality of care and life experience for long-term care community residents.

For more information about this study, please contact:

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