

Senior Care Newsletter — March 2022

MedPro Group is dedicated to providing proactive and expert risk management and claims adjudication services to our insureds. To that end, this edition of the *Senior Care Newsletter* focuses on the value of collaborating with MedPro's senior risk solutions consultants to mitigate potential claims and ensure safe and effective resident care. Additionally, a claims defense update presents new information on admission contracts/agreements and associated risk mitigation strategies. Finally, this issue explores the challenges primary and specialty care providers have in managing medical examinations and treatments in office practice settings for unaccompanied senior care residents who may demonstrate impaired cognitive function.

Onsite Risk Assessments

Question: What is the benefit of having a MedPro senior risk solutions consultant conduct an onsite risk assessment of our organization?

Answer: Inviting your MedPro senior risk solutions consultant onsite to conduct a risk assessment allows for an objective analysis of your organization's operational and clinical practices. In addition, MedPro offers environmental risk consulting services to identify potential workplace hazards that may affect residents, staff, visitors, and the infrastructure as a whole.

With the implementation of COVID-19 restrictions over the past 2 years, many senior living organizations have struggled to maintain operations at pre-pandemic standards. Staff turnover, resident census fluctuation, and ever-changing resident care guidelines have taken a toll on senior living across the country. With that said, inviting an outside perspective to evaluate your organization would enable identification and resolution of issues that may lead to survey deficiencies, decreased reimbursements, and an increase in liability exposure. MedPro's senior risk solutions consultants perform these risk assessments gratis, so the organization incurs no fee in taking advantage of this service.

Key operational risk areas examined during an onsite risk assessment include, but are not limited to:

- Risk management plans
- Policies and procedures
- Surveys and complaints (residents, visitors, and staff)
- Incidents and adverse events process
- Disclosures of unanticipated adverse events
- Informed consent
- Electronic health records
- Resident selection and admission
- Hiring/credentialing/terminating/training
- Compliance
- Telehealth

Key clinical risk areas examined during an onsite risk assessment include, but are not limited to:

- Infection prevention and control
- Falls
- Pressure injuries
- Elopement
- Behavior management
- Documentation and auditing
- Dementia-specific measures
- Medication safety
- Communication, teamwork, and culture of safety
- Abuse and neglect

In addition to reviewing the areas listed above, organizational leaders have the opportunity to discuss challenges and receive education from an experienced senior risk solutions consultant while onsite. After the onsite visit is completed, a final report is drafted and sent to the organization's leader. The report reflects positive measures as well as a list of best practices targeted to promote excellence in resident care.

Claim Defense Update

Recent claims trends indicate a new focus on a senior living organization's admission agreements/contracts. As such, it is imperative that all owners and operators of senior living organizations review their agreements/contracts to ensure that all obligations indicated are being delivered at each location and to every resident.

Failure to meet those obligations can lead to allegations of disparate care and violations of not fulfilling your legally bound duty per the agreement/contract. Some of these obligations may include, but are not limited to:

- Maintaining adequate staffing
- Maintaining staff credentials
- Performing assessments and monitoring
- Providing notifications to providers and families
- Managing the procurement and review of previous health records
- Conducting proper vetting of residents and staff (state and federal criminal background checks, sex offender history, behavioral health diagnoses history, and drug screening for staff)
- Reviewing residents for prior aggressive and/or violent assaults (not reported to law enforcement)

Some common risk mitigation strategies to ensure compliance with admission agreements/contracts include, but are not limited to:

- Comprehensive staff training along with annual competency reviews
- Frequent documentation audits

- Purposeful leadership walking rounds
- Robust compliance program

Should you have concerns about your admission agreements/contracts, contact your legal counsel for assistance.

Residents/Patients With Cognitive Impairments in Primary and Specialty Care Settings

A recent call from a specialty care provider sparked the impetus for this article. The situation involved a resident from a local senior care center who had been dropped off at the specialty office practice without a caregiver or family member present.

Although the resident had no formal diagnosis of dementia or other cognitive deficits, the resident demonstrated some cognitive impairments, leaving the physician in a bind because the resident needed a sensitive/intimate examination. Without a resident representative present to assist with any informed consent and decision-making tasks, the physician's only option was to decline to see the resident.

From the senior care industry's perspective, implementing policies and procedures involving residents obtaining outside providers for medical care would be prudent. The policies and procedures should address, at a minimum:

- Scheduling along with a discussion of the resident's physical and cognitive status, including intermittent episodes of confusion
- Need for caregiver/family member to accompany the resident and assist with informed consent and decision-making processes
- Need for transfer assistance including lifts and ambulation devices (to and from vehicle to wheelchair, wheelchair to exam table, etc.)
- Transportation to and from the appointment, including safety belts and security straps
- Follow up with treatments, such as physical therapy or others

Along with creating policies and procedures, establishing connections with local area medical providers in a variety of specialties (i.e., podiatry, dental, gynecology, cardiology, pulmonary,

renal, psychiatry, etc.) would contribute greatly to meeting the resident's needs in a timely manner. If possible, a meeting in-person with the medical office practice should be done to discuss your potential resident population's physical and cognitive limitations and how the senior care center and the medical office practice can collaborate to fulfill the resident's needs. Ultimately, the goal is to provide seamless continuity of care for the resident.

Resources

- [MedPro Group: Guideline: Risk Management Strategies for Informed Consent](#)
- [MedPro Group: Risk Resources: Informed Consent](#)

Senior Care Webinars and Presentations

Enhance your knowledge on a variety of senior care topics with MedPro's on-demand [webinars and presentations](#).

Focused Learning Modules

MedPro has developed focused learning modules on these topics:

- Burnout
- Cognitive assessments
- Documentation
- Emergency preparedness and management
- Medication safety
- Resident loneliness and disengagement
- Staffing challenges

Intended for all staff and management in senior care living, each module provides an overview of an issue and relates it to survey deficiencies and potential litigation. Risk mitigation strategies to improve practice also are included.

[Click here](#) to access focused learning modules. If you would like to submit ideas for future modules, please send your comments to riskeducation@medpro.com.

Pendulum Portal

To access any previous issue of the MedPro's *Senior Care Newsletter*, please [click here](#).

MedPro Group's Risk Solutions

We believe a strong risk management program reduces harm to residents and protects senior care communities and providers from liability. That's why we offer the following services to our insured senior care communities:

- Onsite and virtual risk assessments to identify potential risk exposures
- Education programs (onsite, live webinars, and on-demand webinars) for senior care leaders and frontline staff
- Telephone consultations to address clinical and safety concerns
- Annual Senior Care Symposium
- Quarterly *Senior Care Newsletter*

Disclaimer

This document does not constitute legal or medical advice and should not be construed as rules or establishing a standard of care. Because the facts applicable to your situation may vary, or the laws applicable in your jurisdiction may differ, please contact your attorney or other professional advisors if you have any questions related to your legal or medical obligations or rights, state or federal laws, contract interpretation, or other legal questions.

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