

Exhibit D

Kane Legal Nursing Home Injury Handbook

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Section 1 – About Nursing Homes

Nursing homes and long-term care facilities that receive federal funds must comply with certain federal regulations and laws. These regulations and laws set out in detail the type and quality of care that residents in these facilities must receive. Due to the many reports of nursing home abuse and neglect that surfaced in the 1980's, in 1987 Congress passed legislation in an effort to reform nursing home practices and procedure and to set standards for the care rendered to residents. These laws were incorporated into the Omnibus Budget Reconciliation Act of 1987 (OBRA 1987) and is also known as the Nursing Home Reform Act. New Jersey also requires nursing homes to meet state standards on the type and quality of care required for residents of these facilities.

Reports from various state agencies note that some of the reported causes of death of nursing home residents are chronic urinary tract infections, pressure ulcers, and respiratory infections. Many of these deaths may be preventable. An extensive report on nursing home care problems in California generated a congressional hearing and an extensive report to the Special Committee on Aging of the United States Senate.

While a number of the federal regulations are listed here: Nursing Home Regulations, a basic tenet of the Act is that a nursing home or long term care facility must provide services and care to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident and this care must be given based on written documentation for each resident, known as an individualized plan of care.

Section 2 – Nursing Home Regulations

Nursing home fraud and abuse is among the most abhorrent violations we prosecute against. You place your trust in medical providers to help you care for those that cannot care for themselves. Unscrupulous nursing home providers take advantage of this trust. Kane Legal works to uncover nursing home fraud and abuse. We use our extensive resources to litigate against fraudulent nursing homes to ensure the care and safety of your loved ones.

Nursing Homes MUST:

- have sufficient nursing and other staff to provide nursing and related services in order to attain or maintain the well being of each resident, as determined by resident assessments and individual plans of care (42 CFR 483.30).
- be administered in a manner that enables it to use resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well being of each resident (42 CFR 483.75).
- perform an initial (within 14 days of admission) and periodic (after significant changes in the resident's physical or mental status and/or at least once every 12 months) comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity (42 CFR 483.20).
- develop comprehensive, individualized care plans for residents that include measurable objectives and schedules to meet each resident's medical, nursing, mental and psychosocial

needs as identified in the comprehensive assessment. The care plan must be developed within 7 days after completion of the comprehensive assessment and detail the services that are to be provided. The care plan must also be periodically reviewed and revised by a team of qualified persons after each assessment (42 CFR 483.20).

- provide pharmaceutical services (including procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals) to meet the needs of each resident (42 CFR 483.60).
- provide that medical care of residents is supervised by a physician; the home must provide or arrange for the provision of physician services 24 hours a day, in case of an emergency (42 CFR 483.40).
- prevent the deterioration of a resident's ability to bathe, dress, groom, transfer and ambulate, toilet, eat, and to use speech, language or other functional communication systems (42 CFR 483.25).
- provide any necessary services and assistance to maintain good nutrition, grooming, and personal and oral hygiene if the resident suffers from any impairment in activities of daily living (42 CFR 483.25).
- ensure that residents do not develop pressure sores; but if a resident has pressure sores, the nursing home must provide the necessary treatment to promote healing, prevent infection and prevent new sores from developing (42 CFR 483.25).
- provide treatment and services to incontinent residents to: (1) restore as much normal bladder functioning as possible; (2) prevent urinary tract infections and (3) restore as much normal bladder function as possible (42 CFR 483.25).
- ensure that residents receive proper treatment and any devices to maintain vision and hearing abilities (42 CFR 483.25).
- ensure that residents receive adequate supervision and assistive devices to prevent accidents, e.g. falls (42 CFR 483.25).
- ensure that residents maintain acceptable parameters of nutritional status, such as body weight and protein levels (42 CFR 483.25).
- provide residents with enough fluid to maintain hydration and health (42 CFR 483.25).
- prevent medication errors (42 CFR 483.25).
- care for residents in a manner that promotes maintenance or enhancement of quality of life (42 CFR 483.15).
- promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality (42 CFR 483.15).
- ensure that the resident can choose activities, schedules, and health care consistent with his or her interests, assessments and plan of care (42 CFR 483.15).
- maintain clinical records on each resident in accordance with accepted professional standards and practices, and that are complete, accurate, accessible, and systematically organized (42 CFR 483.75).
- In addition to federal laws regulating the quality of care in nursing homes, states have enacted laws as well. The state laws must be at least as stringent as the federal laws.

If you or someone you know was or is a victim of nursing home abuse or neglect, you may want to [contact one of our nursing home abuse and neglect attorneys](#) for a free evaluation of your case.