

# Jonathan Rosenfeld's Nursing Homes Abuse Blog

## Who Needs To Abide By Regulations? All Troubled Assisted Living Facilities Need To Do Is Re-Organize In Order To Avoid Compliance With Safety Laws

Posted by *[Jonathan Rosenfeld](#)* on December 07, 2010

As we've discussed on [several occasions](#), there has been a noticeable trend by senior care facilities to re-organize themselves into different entities in order to avoid regulations applicable to the particular facility.

For example, nursing homes are subject to an extensive list of federal and state regulations regarding the type and method of care provided to patients. Assisted living facilities on the other hand are primarily controlled by each state. Other types of care facilities such as group homes and independent living facilities remain fairly unregulated for the most part.

While the regulations help ensure safety of patients, they can make it more difficult for facilities to operate—particularly if they are not following the rules.

Out of Iowa, a prime example of an assisted living facility making the transition to an unregulated group home made headlines after an administrative judge ordered the facility to pay more than \$75,000 in fines related to poor care.

On nine occasions in eight months, inspectors found repeated violations at Dubuque Retirement Community. Each visit found problems related to:

- Inadequate care plans
- Unreported resident injuries

Jonathan Rosenfeld represents victims of nursing home abuse and neglect throughout the country. For more information please visit Nursing Homes Abuse Blog ([www.nursinghomesabuseblog.com](http://www.nursinghomesabuseblog.com)), Bed Sore FAQ ([www.bedsorefaq.com](http://www.bedsorefaq.com)) or call Jonathan directly at (888) 424-5757.

- Inadequately trained staff
- Medication errors

In addition to appealing the fines, the facilities owner, Assisted Living Concepts, asserted that many of the alleged medication errors were not really errors at all. Rather, Assisted Living Concepts claimed that the medications were accurately administered, but were never charted.

In addition to ordering the assisted living behemoth to pay the fines imposed, Judge John Priester rejected the arguments regarding patient charting. “Documentation errors are the same as medication errors,” Priester added.

Still unsatisfied the judges ruling, the assisted living operator did what it is entitled to do under the law, and abandoned the assisted living licenses altogether--- and thereby avoid the scrutiny of inspectors and administrative judges alike.

Now Assisted Living Concepts will operate Dubuque Retirement Community and the four other assisted living facilities it operates in Iowa: Allen House in Atlantic, Swan House in Carroll, Amelia House in Council Bluffs and Floyd House in Sergeant Bluff as unregulated boarding houses.

This re-categorization is completely legal. Legislation to restrict the re-categorization of assisted living facilities into group homes / boarding houses was abandoned earlier this year.

My take:

The re-categorization of nursing homes and assisted living facilities into other entities is certainly a loophole that needs to be carefully evaluated by legislators as many of these facilities continue to provide services to vulnerable groups

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under the guise of a different entity. Certainly as we need to re-examine the applicable rules and regulations that apply to all elders to ensure their safety is not compromised by corporations seeks to avoid compliance.

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