



Jonathan Rosenfeld's Nursing Homes Abuse Blog

What good are nursing home fines when they're not enforced?

By **Jonathan Rosenfeld** on September 09, 2011

It seems like we hear about nursing homes getting fined for **safety problems or patient injuries** on a daily basis. After learning of the underlying reasons why the fine was imposed, many of us sit back and sigh thinking to ourselves "serves them right."

At some point there is an assumption that the fine will serve as the inspiration for the nursing home to correct the underlying problem and improve the safety conditions for other patients at the facility. Right?

Ideally, fines would serve their intended purpose and get poorly performing nursing homes to change their ways. However, what many of us fail to appreciate is the disconnect between fines that are actually imposed versus those that are actually paid.

In many circumstances, nursing homes have an opportunity to appeal the fines imposed by the state or federal agency which frequently results in a significant reduction or elimination of the punishment altogether.

Just recently the U.S. Centers for Medicare & Medicaid services fined **Spring Meadows Health Care Center** (Tennessee) almost \$740,000 for problems uncovered in a survey

of the facility. This fine is not arbitrary. Instead it is the consequence of months of daily fines for ongoing problems at the facility.

While some of the problems may be categorized as 'minor'--- a number of the problems are definitely alarming. Included findings were:

- A patient who repeatedly fell and sustained serious injuries over a six month period
- Patients who were not properly supervised by staff
- Staff ignoring verbal and physical abuse amongst patients
- Failing to disclose inspection finding to patients at the facility

While the significant fines are indeed eye-catching, **reports** indicate that the nursing home intends on appealing them.

As we await the outcome of this appeal from a fine, let's remember the underlying purpose behind nursing home fines. Until authorities take a firm approach towards the implementation of fines, I fear that many facilities will continue to look at the reduced fines as little more than the cost of doing business.