



Jonathan Rosenfeld

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New rating system for nursing homes released

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A new federal rating system has concluded that for-profit nursing homes are more likely to provide a lower standard of care than non-profit homes. The rating system, released by the Centers for Medicare & Medicaid Services on Dec. 18, analyzed approximately 16,000 nursing homes and assigned them one to five stars based on such criteria as health inspections and staffing.

According to the rankings, approximately 27 percent of for-profit homes surveyed were given one star, versus 13 percent of non-profit homes. Nineteen percent of non-profit homes were awarded five stars, compared with 9 percent of for-profit homes.

Jonathan Rosenfeld, a plaintiffs' attorney at Strellis & Field in Chicago and author of the Chicago Nursing Home Lawyer blog, said lawyers may use the new rankings to support their case at trial or in settlement negotiations.

However, he does not believe the rankings will have a major impact on potential litigation, except perhaps to single out the for-profit homes that have lagged behind in patient care.

"It verifies what lawyers who typically sue nursing homes have been saying for years," said **Rosenfeld**. "There are a disproportionate number of mistakes and litigation aimed at an isolated group of facilities."

Rosenfeld added that the homes that received the highest ratings are not necessarily immune to litigation.

"There are problems with nursing homes that received one star; there are problems with homes that received five stars," he said. "Nursing home litigation and abuse cases are not isolated to one group, regardless of the score a facility received."

The rankings were based on thousands of inspection records and quality control surveys, such as hours devoted to patient attention and how many patients got bedsores.

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