

Tennessee News Service

A statewide news service for Tennessee

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March 2, 2009

Available files: mp3 wav

Nursing Home Accountability

Abuse and Neglect Information Shielded by Feds ... Lawsuit Limits Proposed in TN

Nashville, TN – According to the Tennessee Association for Justice, a recent change in federal nursing home rules, and legislation just introduced in the state legislature, are about shielding the nursing home industry from liability. Comments from TAJ president, Daniel Clayton.

Intro: Tennessee nursing homes rank 47th in the nation when it comes to quality of care.* That's one reason patient advocates are concerned about a new federal rule, and about legislation pending in the state Senate. The federal rule change came in the waning days of the Bush administration and was only publicized last week. It classifies state nursing home inspectors as federal employees, meaning their reports can't be released without the approval of the chief of the Centers for Medicare and Medicaid Services. Daniel Clayton, president of the Tennessee Association for Justice, says the move makes it very difficult for families to get information about abuse and neglect when seeking to hold nursing homes accountable in court.

:10 *"The question that should be asked is, 'does this rule do anything to improve the quality of care to our most vulnerable citizens?' And the answer is a resounding, 'no.' In fact, it's just the opposite."*

Supporters of the rule change say it will help avoid frivolous lawsuits. Lawsuits are also involved in new state legislation that would impose a cap on damages if a nursing home is found negligent. Clayton says the intent of the bill is clear.

:05 *"It's trying to make it harder to hold the nursing homes accountable here in Tennessee."*

Tag: Those in favor of the bill say multi-million-dollar jury awards have raised malpractice insurance to levels high enough to force some doctors and companies out of business.

OPTIONAL REPORTER WRAP: uses both soundbite(s)

LEDE: Tennessee nursing homes rank 47th in the nation when it comes to quality of care.* That's one reason patient advocates are concerned about a new federal rule, and about legislation pending in the state Senate. Dan Gordon has more.

1:15 *Outcue...Dan Gordon reporting.*

Note to Editors: * Ranking is from the federal agency, Centers for Medicare and Medicaid Services. Daniel Clayton can be reached at 615-297-1007 The Tennessee bill is SB 2160