

Nursing Home Madness Revisited

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On Thursday May 21, the *Daily News* ran an opinion piece by two law professors from the Benjamin N. Cardozo School of Law entitled “Coronavirus or no, why do we have so many people in nursing homes?”

In the article, the authors questioned the overuse of nursing homes and residential treatment centers. There are an estimated 1.3 million adults in residential care in the U.S. - this includes the aged and people with disabilities.

The two law professors who authored the Op-Ed, refer to studies that say “home- and community-based services are preferable to institutional care” and bring up the age old excuses of how “public policies, funding” and limited Medicare coverage have allowed the problem to languish. COVID-19 has now exposed the disaster of this inaction and allowed nursing homes to become death traps because of “inadequate staffing and lack of enforcement” of regulations. Will this message finally be heard?

The History

The real story is that disability rights activists have been attacking this problem for decades. In 1983, according to their website, the national disability rights group ADAPT, turned its focus to “free[ing] their members from institutions and nursing homes so they might live in the community with the rest of humanity.” Many people with disabilities are capable of living independently in home-based settings with appropriate personal assistance. Instead, far too many are forced into nursing homes. ADAPT and DIA have been fighting this fight for a long time.

ADAPT was formed in 1975, a little after the founding of Disabled In Action of Metro New York. Based in Denver, ADAPT started its advocacy by demanding access to public transportation. The name ADAPT is an acronym that grew out of these first protests and stands for “Americans Disabled for Accessible Public Transit.” Since that time, ADAPT has grown into a nationwide organization, active in 30 states and covering a wide range of national and local issues.

The Story Today

The authors of the Op-Ed are clinical professors of law and have experience with cases of unsafe nursing home care. While they mention “suitable, affordable housing” as a major factor that forces people into nursing homes, they don’t talk about the political power of the nursing home industry that drives public policy and Medicaid dollars to residential care.

Living at home, in a community setting leads to better clinical outcomes and longer life expectancy. Studies also show that care at home can be provided at the same cost and in some cases at lower cost than institutional care. Even though these are known facts, New York Gov. Andrew Cuomo is currently looking to cut funding to personal assistance programs. While everyone understands that money is tight, we need to be smart in the ways we economize and the Cuomo policies don’t demonstrate much acuity.

It is unfortunate that it takes a pandemic to show the world what the disability community has known for years. Warehousing people in institutions is dangerous, inhuman and deadly. Half of COVID-19 deaths in New Jersey were in nursing homes.

This crisis should make two things abundantly clear - whenever possible, people should live in community-based settings near family and friends and, there is an absolute need for universal health care.

To read the *Daily News* Op-Ed referred to, visit <https://www.nydailynews.com/opinion/ny-oped-why-so-many-people-nursing-homes-20200521-huzufgdd5vdpfmzav4bmsrbsuq-story.html>.