

Testimony of Justine Bykowski

Adult Foster Care Homes are not medical facilities. Nevertheless, they are a long-term care setting for those with multiple chronic conditions and cognitive issues. Most residents require a combination of medication management, personal care and mobility assistance. Families or elders seeking assisted living are earnest in doing their best to make complex and emotional decisions. They may receive general information from the Area Agency on Aging or the Alzheimer's Association. Typically, they have no substantive guidance and are not prepared for the complexity or the nuances of care policies and practices and are not savvy about LARA's reports of abuse, neglect and other violations or how an Ombudsman may help. An Ombudsman can trouble shoot and act upon violations, but they typically have large caseloads and if abuse or neglect occur, their response may not match the urgency. Ombudsmen provide valuable services, but their intervention is reactive. To protect elders in assisted living more proactive standards have to be in place. For example, when examining LARA's Special Investigation Reports, you learn about a range of problems with medication management, such as running out, pharmacy errors, robbery, wrong resident receiving a medication or dosage, lost medications and staff not trained adequately.

When working with the Michigan Attorney General Consumer Protection Division in 2018 and 2019, the leadership became convinced that those seeking and in residential care settings had legitimate consumer issues regarding deceptive practices, safety, right to information, right to be heard and the right to seek redressal. Awareness of these unknown factors became a part of AG's educational programs. Post pandemic they have not continued.

Collaborating with a geriatric social worker, we examined the most serious and repetitive violations in another type of licensed assisted living care. We surveyed Homes for the Aged between 2017-2020 across Michigan. A report is available. Our findings overlap with the most serious and repetitive problems that occur in AFC homes. Medication management, safety/protection and staff training/shortages were all at the top. Using our findings and experience, we developed an educational program to discuss the parameters of assisted living, where to find HFA regulations and violations and redressal options. People who come to our programs tell stories about abuse, neglect and unskilled caregivers.

They don't know where to turn or know their rights. Also, they have concerns about filing a complaint because they fear retaliation and ask what is the payoff for rocking the boat. Substandard care is accepted because they have to pick their battles. Moving their loved one is not the answer, there are no guarantees that it will be any better in the next place. Reaching the public through educational programs is good, but not the answer to systemic and sustained change. They are hit or miss. LARA has to have the authority to impose financial penalties and require transparency about violations for seekers at the time of inquiry. These actions will have more impact in giving care homes more incentives to reduce violations that cause harm and injury and are repetitive.

In summary, my experience in long-term care has informed me that assisted living residents are often the least protected population. Industry leaders have told me that regulations are vague and one CEO told me she chose an AFC license because it was less restrictive. Should Michigan elders be at the mercy of buyer beware care homes? Increased transparency, fines for serious harm and injury and better training will lead to better outcomes for residents and their families as well as staff.

Justine Bykowski, MA, retired from Michigan Medicine with a specialty in adult education and gerontology. Her extensive experience in long-term care, senior housing and pre-retirement education has resulted in publications and the development of teaching materials for both the public and professionals. Her focus was on the complexity of decision-making related to long-term care. She reached out to older adults, caregivers and professionals to learn, advise, teach and advocate. Her work with the Michigan Attorney General Consumer Protection Division has also informed her commitment to educating the public.