

# Assisted Living Risk Management 101: 10 Sound Strategies To Minimize Problems

---

April 11, 2016 | by Timothy Ford

The phrase “risk management” has been popular in the corporate world for many years. What it means is different in every industry. In the assisted living environment, it takes on an entirely different meaning.

Assisted living facilities are by their very nature an environment with a great number of risks. While not all risk can be avoided, there are steps that can be followed to minimize risk and therefore, maximize profitability. Following these steps will help your facility avoid liability and maximize profits.

1. Prepare and implement a comprehensive resident agreement. Make sure that all residents, including pre-existing residents, execute an updated resident agreement. The agreement should be comprehensive, setting forth the financial terms and the conditions that must be met for continued residence.
2. Implement a clear and comprehensive employment manual. An employment manual is vital to the success of any business. Employees should be aware of your expectations, and policies should be written in a straightforward manner. Employment laws and regulations are constantly changing, requiring frequent review and updates as necessary.
3. Perform an audit of your facility on an annual basis. This audit should cross reference the state regulations to ensure that the facility and staff are compliant with the myriad of regulations.
4. Post the Statement of Residents’ Rights. Prominently display this information and provide copies to residents and members of their families. The regulations require that it be posted, but further distribution is advisable.

5. Provide training. Each facility should properly train all staff members. This training should not be limited to only nurses and caretakers, but all staff, including, for example, kitchen and maintenance staff. All of your staff interacts with residents and their families; make sure they are properly trained to interact and represent the assisted living community.
6. Employ a complaint protocol. Your facility should not look to stifle complaints and make it difficult for residents and/or members of their family to complain. Having a comprehensive policy will minimize the time and frustration that the staff confronts regarding complaints. Residents and family members should be provided with a form for complaints and staff should be assigned to review and investigate complaints. Corrective action should be taken when necessary and follow-up with the complainant is critical.
7. Be consistent. Consistency is king. Consistency is important in all aspects of the facility. Employees should be treated fairly and in a consistent manner. The continuum of care should be consistent, as well as enforcement of rules and financial obligations. With this being said, remain flexible. Certain circumstances warrant creative problem solving, which should be implemented when appropriate.
8. Be compassionate. Frequently, the number one complaint by residents and members of their family is that staff does not listen and take time with residents and members of their family. Insist that staff listen to residents and members of the family. Staff should be sensitive to residents' needs and treat residents as they would like to be treated. Roughness cannot be tolerated.
9. Manage your Medicaid program. Make sure that your policies regarding Medicaid are compliant with State and Federal law, and are clear. Identify the number of Medicaid beds that you have, any waiting lists, and the requirements that private pay residents must meet before conversion to a Medicaid bed.
10. Assemble a qualified group of professionals, both inside and out. The hiring of well-trained, hard-working staff is vital to the growth and operation of your facility. In addition, it is important to work with professionals who understand the operations and needs of your facility. Selection of doctors, attorneys, insurance, and financial professionals who care about and understand your facility is vital.

Often, risk management seminars can help manage risk and even reduce insurance premiums. Speak with your insurance and financial professionals to see if a risk management seminar would reduce the insurance premiums under your policy (and if interested, please contact me to discuss scheduling one for your facility).

Adherence to these risk management guidelines will facilitate the smooth and safe operation of your assisted living facility. Well managed risk equates to increased profitability.

[Timothy J. Ford, Esq.](#) is a Partner with Einhorn Barbarito and licensed to practice in New Jersey and New York State, and Federal Courts. He concentrates his practice in several areas of law, including representation of senior care and assisted living facility owners and administrators. As a result of working with assisted living facilities for many years, Mr. Ford understands the unique legal issues that they face on a daily basis. He ensures that facilities are compliant with State and Federal regulations, and acts as outside general and litigation counsel for the facilities. He regularly assists owners and administrators on various issues including employment, contractual relationships with residents, real estate and litigation matters. Mr. Ford is a Member of the Health Care Association of New Jersey (HCANJ).