

Frontline – Assisted Living Response Materials

What we know

The Frontline Documentary that will be examining the assisted living industry will air on Tuesday, July 30 on PBS. In an average week, more than 4.6 million people watch Frontline. Among the 285 PBS stations airing FRONTLINE, there are 459 total weekly plays. Programs are often picked up by NPR and other mass media public radio and TV programs. FRONTLINE's audience tends to be affluent and well-educated. They are more likely to hold executive or professional employment positions than the general population.

For the last year, Frontline has been investigating a few unfortunate and tragic resident incidents that happened several years ago at four of our Emeritus communities, and by interviewing disgruntled former employees. They also sat in the courtroom during the trial in California that resulted in an adverse jury verdict.

Content predictions

Because of the direction of that research and additional information we've received from the reporters and producer, Emeritus and the Assisted Living industry as a whole will not be presented in a positive light.

Frontline is likely using these incidents to suggest tougher and more nationalized regulation for the entire industry. We also believe their story will hit on these themes:

- Ineffective regulation of Assisted Living at the state level
- Inadequate disclosure / visibility for the public
- Putting profits over people, as evidenced by:
 - Understaffing and insufficient training
 - Heavy focus on sales rather than quality
 - Inadequate investment in care in order to service debt, finance growth, and satisfy investors
 - Violating regulations by admitting residents improperly
 - Violating regulations by not transferring residents as required

Industry impact

We believe Emeritus will be heavily featured in this documentary; however, this broadcast could contribute to a loss of public confidence in (and the call for more stringent regulation of) the entire assisted living industry.

Response preparation

In preparation for any questions or concerns your communities may receive as a result of the story, the Emeritus Communications Team has prepared key messages related to these themes for you to customize and use in any media statements or talking points required for inquiries about the Frontline program. Our hope is that by communicating similar messages, the entire industry will put forth a united front by disseminating consistent information to all our constituents.

In addition, we've provided some tips and guidelines on handling media inquiries or responding to the story via online channels.

If you have any questions about the Frontline story or the Emeritus response plan, please don't hesitate to contact Karen Lucas at 206-204-3038 or MaryBeth Dagg at 206-554-1908.

Handling Media Inquiries About the Broadcast

Please be aware that after this Frontline broadcast, your company and/or communities may get media inquiries to comment on the story or any of the issues being brought to light in the broadcast. Make sure staff is prepared to handle these inquiries.

As experts and leaders in the senior living industry, it is important that your voice be heard. Please consider responding to any media requests.

In-Service Community Staff

At the community level, make sure staff, especially anyone who answers the phone, is in-serviced on your media protocols. Here are some procedural tips for handling calls that may be useful to them:

1. If the media calls, indicate that the Executive Director is with a resident and that they will get back to them before the reporter's deadline or as soon as possible.
2. Obtain the following information while they have the media on the phone:
 - Reporter's name
 - Affiliation
 - Phone number and email address
 - Deadline (very important)
 - Any questions he/she needs answered

Write down the questions and tell them that the appropriate person will get back to them before their deadline.

Media Response Do's and Don'ts

To help you for a media interview or response, whether it's on paper, via phone or in front of a camera, here are some do's and don'ts to keep in mind.

Media Response Do's

1. **Do** prepare and approach your response/interview from the public's viewpoint.
2. **Do** prepare three to four key talking points and continue to hit those points throughout your response/interview.
3. **Do** assume every word you say will be quoted.
4. **Do** keep to the facts and keep answers short and to the point.
5. **Do** be confident. You are the expert.
6. **Do** make your delivery conversational. Be comfortable and be yourself!
7. **Do** provide examples, or make comparisons to make your point, when relevant.
8. **Do** cite sources when necessary.

9. **Do** be honest. If you don't know an answer say, "I don't know that answer. We will get back to you on that."
10. **Do** ask them questions, for clarity or to confirm they've explored all the angles.
11. **Do** express concern to show you care, but don't be emotional.
12. **Do** watch your local news to see examples of how other companies/people handle media responses. See what works/what doesn't.

Media Interview Don'ts (with tips)

1. **Don't** ever say "no comment." This is your chance to tell your side of the story. If you haven't had a chance to review the story or issue. Say "I'd very much like to comment on this as soon as I've seen the story/gathered more information. You can also ask a reporter if you can follow up with an answer before a certain day/time. In most cases, there is always something you can say about an issue, even if it's just encouraging the reporter to take a broader look at the topic or see it from a different angle.
2. **Don't** conduct an impromptu interview if a reporter contacts you directly. Before submitting a statement or participate in an interview, prepare thoroughly with written talking points and a practice Q&A session with a colleague. Again, set yourself up with three to four key points you'd like to communicate during the interview.
3. **Don't** ever trust that anything you say or write to a reporter is "off the record." Everything you communicate to a reporter can be quoted, even if they assure you they won't use it.
4. **Don't** ever argue with a reporter. The media is looking for relevant sources and compelling interviews to add value to their stories. Building positive relationships during a difficult interview may make them consider coming back for a more positive story.
5. **Don't** talk too much and go off on tangents. Try speaking in soundbites and, when appropriate, make comments that are two to three sentences long.
6. **Don't** answer mechanically. Be loose and conversational.
7. **Don't** speculate or exaggerate. Stick to the facts, or you might have to back up your statements at a later date. Be comfortable saying, "I don't know," or "I can't speculate on that."
8. **Don't** disparage your competition. This will say more about your own ethics and practices than it will about the other company. If a question comes up about your competition, let a reporter know you can't speak for other businesses, then transition back to your message.
9. **Don't** feel like you have to answer every question. With practice, skilled interviewees can respond to a question by bridging the answer back to one of their three key points they've identified earlier. If nothing else, it's fine to say, "I'd be happy to answer that after all the facts are in/after our day in court/after we receive a judgment on that/once we've had a chance to review all the research/once we complete our internal investigation, etc.
10. **Don't** miss the loaded question. Skilled reporters have a knack for delivering leading and loaded questions. Keep an ear out for questions that include incorrect assumptions about the topic or your business. Also, beware the reporter who slips in a hard ball after delivering several easy pitches. Keep aware, don't be caught off guard, and ask them to rephrase the question for clarity, if needed. Correct them if they make incorrect allegations as part of their question.

Set the Story Straight on Social Media Posts

We want to encourage Industry leadership to post a comment if you feel like you can add value or clarification to the story. We've included posting guidelines below if you would like to express your opinions on the coverage.

The story will be posted on the Frontline website at www.frontline.org. Additionally, on the Frontline Facebook page, they will post a "*So, what did you think?*" question for people to comment about the story: <http://www.facebook.com/frontline?fref=ts>. The story link will also be on the ProPublica Facebook page at <http://www.facebook.com/propublica?fref=ts>.

Posting Guidelines

1. In posting, it is appropriate to state what company you work for in what capacity, although it is not necessary to give your name.
2. Be extremely professional, courteous and articulate.
3. The best response is not defensiveness, but by explaining a specific personal story the benefits of assisted living to seniors and families. Expressing disappointment in the coverage is acceptable.
4. Demonstrate that you have intensive experience working with this very fragile population, and explain some of the challenges if you feel appropriate to what you wish to say.
5. Other posters' comments may be hostile and accusatory, but please do not respond with anger or insults. Keep it professional.
6. Only post once. If your comment is disputed or criticized, just let it go.

Thank you to all of you who are willing to share your knowledge with the public through these venues on such an important issue.

KEY INDUSTRY MESSAGES

Who Benefits from Assisted Living (AL)

Seniors

During much of the 20th century, seniors who were no longer able to live independently could arrange for care to be delivered in their home or they could be admitted into a nursing home. The first choice could be expensive (or a burden on family member caregivers) and fraught with the risks associated with a lack of training and oversight. The second choice generally resulted in a loss of independence, dignity, privacy, and a diminished quality of life. In institutional settings like the traditional nursing home, the senior's life was subordinated to the rules and schedule of the institution. The assisted living movement changed that.

Assisted Living meets the needs of seniors who:

- Are unable to, or choose not to, live at home, yet do not need 24/7 skilled nursing care.
- Live alone without adequate assistance available to them to eat healthfully, manage medications, perform their activities of daily living, manage safety issues, or stay socially active.
- Want to live independently in their own apartment while having the peace of mind of knowing care is available should the need arise.

Caregivers/Spouses/Adult Children

There are 20 million working, unpaid caregivers in the U.S. Forty percent of family caregivers have symptoms of depression according to an Assessment of Family Caregiver report. Assisted living meets the needs of caregivers who:

- Need peace of mind that their loved one's safety, health and emotional needs are being met while they work or attend to their own children.
- Are seeking more quality time with their loved one rather than only spending time providing the daily tasks of caring for their loved one.

Staffing and Training

- Assisted living communities have staff available 24/7 to provide assistance, care, activities and social engagement for residents.
- Assisted living communities are staffed based on the level of care and service needed by the residents.
- Residents are evaluated upon move-in to determine the amount and type of personal care they need as well as how they typically enjoy spending their day.
- The caregiver-to-resident ratio can vary by community, by resident acuity and/or by state regulations. Each community plans their staffing according to state regulations and the specific needs of their residents to ensure that the need of each resident is met. For example, if a 40-apartment AL community serves a very independent group of seniors, there would be fewer caregivers than a community with 40 residents in need of greater assistance.
- When planning appropriate staffing, the number of staff on each shift is one consideration; but it is just as important to have staff with the right skills, training and experience.
- Our staffing levels are in compliance with state regulations and in some cases exceed those regulations depending on the level of care required by residents at each individual community.
- Our community leadership has the authority to increase staffing levels at any time to meet the needs of residents.

- Turnover varies across assisted living. Communities pay competitive wages, seek people who want to work with seniors, and offer substantial training; however, caring for seniors is difficult work.

Business & Investments

- Assisted Living is a consumer-driven resource available to seniors and their families. It is a highly competitive industry with a variety of options available; therefore, senior living communities have every motivation to provide residents with quality care, services and experiences in order to retain them as customers.
- Residents sign a residency agreement prior to moving in to a senior living community. This agreement is similar to an apartment rental agreement and generally renews annually.
- Residents and family members who are not completely satisfied can choose to move to another community – usually with only 30 days’ notice.
- **Assisted living operators understand that the key to financial success lies in delivering a very positive customer experience. If a community does a good job of providing care and service with a high degree of customer satisfaction, they will enjoy high occupancy and be able to charge a fair rate. The financial investors and lenders believe the senior living sector will continue to grow in order to meet increasing demand as the senior demographic expands and the consumer becomes better educated as to senior living options.**

Safety Issues

- Assisted Living providers care for one of the most fragile populations in society – and it is a profession fraught with numerous daily risks. Professionally managed AL providers understand and manage those risks 24/7.
- Professionally managed AL communities work to maximize safety and minimize the chance of human error.
- Yet, even when every reasonable precaution has been employed and policies and safety codes have been strictly followed, accidents will sometimes occur.
- AL communities have systems in place to help reduce the chance of falls and injury that may result due to falls. And, if a fall does occur, staff is available 24/7 who can respond to assist the resident.
- Accidents and misconduct issues in AL communities are reported by staff to supervisors, who then notify the proper authorities. There are multiple ways to report issues both to company authorities and to state and federal authorities.

- Following an accident, there is an internal investigation, the incident is reported to the state, and steps are taken to minimize the possibility of a similar occurrence.
- Balancing a resident's safety with their right to independence and choice can be challenging. Assisted living communities offer a higher level of support and safety, while preserving the quality of life that comes from a residential environment with private apartments.
- Like all Assisted Living communities, we have a zero tolerance policy on abuse. Neglect and abuse is not tolerated in any of its forms – physical, emotional or financial – and is dealt with swiftly and aggressively.
- Complaints are taken seriously by Assisted Living communities. Every provider has a complaint resolution process. In addition to the providers, each state has a complaint system in place. Additionally, most states require assisted living communities to make their state inspection reports available to consumers for review.

Family Education Re: Safety Issues

- Family education and awareness as to what is provided in an AL environment as well as the limitations of an AL environment is essential. The AL environment cannot eliminate risks; however, it seeks to minimize risks, while maximizing quality of life. This balance should be made clear to residents and families prior to move-in.
- Families need to understand that AL communities don't provide one-on-one care and are not a full-security lock-down environment.
- Families should understand how a community employs fall management systems and take recommendations for ambulation assistance equipment seriously. They should also know that even with comprehensive fall management systems in place, 100% fall prevention is extremely difficult to achieve in any environment.

Alternative Care Options

- Before the assisted living sector existed, the only option seniors had were boarding homes with limited or no supportive services or nursing homes at twice the cost of assisted living and with a much more institutional environment.
- For millions of Americans, nursing homes are still the only option due to rules in many instances requiring seniors to go to nursing homes if they are receiving Medicaid. For others, nursing homes are often the only place seniors can go for short-term rehabilitation due to Medicare reimbursement requirements.
- Professionally managed AL communities are not in competition with these other options, but we are a newer and growing alternative for those seniors who cannot or do not wish to live alone any longer.

Regulatory Issues

- Assisted Living communities are licensed and regulated in each of the 50 states.
- We think state regulations are important; for example, we welcome state inspections to give us a report card on how we are doing. It's important for us to get this feedback from a third party so we can continue to improve and address any problems that arise.
- State regulatory agencies have been evolving to keep up with the increasing popularity of assisted living as a preferred choice for senior living, and the economic realities of these options.
- Unless state regulation determines otherwise, residents of assisted living communities can generally stay if the resident, the resident's family, the resident's physician, and the community all agree assisted living is the best option for the senior.
- Regular unannounced inspections are performed by state regulators to ensure communities are in compliance with state requirements and standards.
- Professionally managed AL communities regularly perform internal inspections and not only meet, but most often exceed, the standards set by the state.
- Policymakers are working to improve regulations from state to state. When one state improves or changes regulations, other states learn from these experiences and make improvements in their own states.
- Each state has a resident bill of rights that is enforced and AL communities must preserve these rights while providing daily care and service for the resident.

Proposed Federal Regulation

- From time to time, federal regulation of AL communities is proposed as a way to fix the problems of the industry. Federal regulation, if imposed, would increase costs for consumers without increasing quality of care.
- We believe the states are in a better position to determine what their respective citizens want and to be responsive to that. The Federal government would have to take a one-size-fits-all approach that would limit choice and increase costs to the consumer. We do see the federal government playing a role in promoting and celebrating the fact there are market-based options for seniors and their families to turn to offering quality care and advancing quality of life.
- Federal regulation of assisted living would stifle innovation and would not allow for the flexibility assisted living communities require to continually adapt to consumer preferences.