

Heat Wave Turns Deadly; Nursing Homes Responsible for Resident Safety

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.

California's deadly heat wave is a grave threat to the elderly, including nursing home residents who are supposed to be protected from the heat. In 2000, several residents of a Burlingame nursing home died due to the extreme heat, and many others have suffered because of unsafe temperatures within nursing homes. Additionally, residents are subject to transfer trauma caused by emergency evacuations from nursing homes due to air conditioning failures.

The suffering is preventable and should not occur. Nursing homes are obligated to protect their residents from the heat.

Illnesses Caused by Excessive Heat

Heat stress, heat stroke and dehydration are common illnesses that can be caused by excessive exposure to hot weather. Nursing home residents are highly susceptible to heat related illnesses due to their medical conditions. They perspire less, which prevents the body from cooling itself. Many nursing home residents take medications that affect the body's natural ability to adjust to heat. For example, diuretics (sometimes prescribed for high blood pressure) prevent the body from storing fluids and restrict the opening of blood vessels near the skin's surface. Certain tranquilizers and drugs used to treat Parkinson's disease interfere with perspiring. Chronic conditions such as circulatory problems, diabetes, a previous stroke, or a damaged heart also upset the body's normal responses to heat.

- **Heat stress** is the burden that hot weather places on the body, especially the heart, which must work harder to keep a normal body temperature. Early warning signs of heat stress include loss of appetite and feeling listless and uncomfortable. Serious warning signs are dizziness, rapid heartbeat, throbbing headache, breathing problems, chest pain, cramps, deepening urine colors, less frequent urination, diarrhea, nausea, vomiting and mental changes like delirium.
- **Heat stroke** is the most serious heat-related illness. It occurs when the body becomes unable to control its temperature. The body's temperature rises rapidly, the sweating mechanism fails, and the body is unable to cool down. The body temperature may rise to 106 F or higher within 10 to 15 minutes. Heat stroke can cause death or permanent disability if emergency treatment is not provided.
- **Dehydration** is a dangerous lack of water in the body caused by inadequate intake or excessive loss of fluids through sweating, vomiting or diarrhea.

Nursing Homes Must Protect Residents

In recent years the California Department of Public Health has issued an annual advisory to nursing homes about their duties to protect residents during hot weather. The advisories remind nursing home operators that they must have contingency plans in place to deal with either the loss of air conditioning or, in the case where no air conditioning is available, to take measures to ensure residents are kept as cool as possible. The advisories suggest certain measures, such as using fans, monitoring resident conditions and offering frozen treats between meals.

These advisories don't go far enough since no amount of extra care or fans can protect very vulnerable residents from the consequences of exposure to extreme heat. In order to protect residents, nursing homes must take all possible measures to maintain their air conditioning and electrical systems in full working order during adverse conditions.

Maintain Comfortable and Safe Temperature

To prevent illness, suffering and death caused by excessive heat, nursing homes are required to be well ventilated and to maintain comfortable and safe temperature levels at all times. Nursing homes that were certified for Medicare and/or Medi-Cal after October 1, 1990 must maintain a temperature between 71-82 degrees. (Title 42, Code of Federal Regulations, Section 483.15(h)(6))

Air Conditioning

Although the law does not specifically require nursing homes to be air conditioned, nursing homes in many areas of the state must have air conditioning to comply with their legal mandate to maintain comfortable and safe temperature levels. As the recent weather has demonstrated, almost all areas of California are subject to extreme heat on occasion.

Air-conditioned nursing homes must maintain their air conditioning systems in normal operating condition to provide a comfortable temperature. (Title 22, California Code of Regulations, Section 72657)

Emergency Generators

Heat waves sometimes cause power outages that can threaten the welfare of residents, who depend on lighting, cooling systems, medical equipment, alarms and other electronically powered systems or devices. Nursing homes are required to maintain emergency electrical systems in safe operating condition. Emergency generators must be tested at least every 14 days under full load condition for at least 30 minutes. (Title 22, California Code of Regulations, Section 72641; Title 42, Code of Federal Regulations, Section 483.70)

What Can You Do If Conditions Become Unsafe?

No nursing home should allow residents to be placed at risk during hot weather. Conditions can grow dangerous quickly, so it is important to *notify authorities immediately when temperatures become unsafe*. Contact these offices:

- **California Department of Public Health (DPH), Licensing and Certification Division:** It enforces California and federal nursing home laws. Call licensing immediately and file a formal complaint; you have the right to file a complaint by telephone. If conditions are dangerous, tell DPH that residents are endangered and seek an immediate investigation. Contact information for DPH District Offices is available on CANHR's fact sheet, **How to File a Nursing Home Complaint**, or at the **DPH website**. If licensing does not respond, contact CANHR for further assistance.
- **Long Term Care Ombudsman Office:** Ombudsmen staff and volunteers advise residents about their rights and investigate complaints:
www.aging.ca.gov/programs/ombudsman_contacts.asp
- **California Attorney General's Bureau of Medi-Cal Fraud and Elder Abuse** (800-722-0432; website: www.ag.ca.gov/bmfea/index.htm): If one or more residents have died or suffered serious harm due to a nursing home's failure to provide safe conditions, notify the Attorney General and request an investigation. In this situation, you can also contact CANHR for referral to an attorney specializing in elder abuse and neglect (see www.canhr.org/LRS/index.html).

In addition, consider contacting your local media as there is often great interest about unsafe conditions during heat waves. And make sure you inform your **California legislators** about your concerns.