



Weekly Roundup

...Reporting the state and national long term care news

Please disseminate relevant information to the appropriate department.

- Administration
 Nursing
 Dietary
 Activities
 Social Services
 Rehabilitation
 Housekeeping
 Maintenance
 Laundry

Friday, January 17, 2014

ANHA NEWS

ANHA Launches Website to Share Nursing Home News



Great things happen in Alabama nursing homes every day. It's time we tell those stories and allow others to share our success.

The Alabama Nursing Home Association has developed a new website, news.anha.org to help our members share positive news and raise awareness of the good work we do.

News.anha.org will feature articles about nursing home residents, facilities making a positive impact in the community and quality improvement initiatives. You will be able to quickly and easily share these stories via social media. This website will also take the place of the "Facility News" section in the *Weekly Roundup*. Please see the attached memo for details on how to submit your stories.

ANHA Office Closed – Monday, January 20th

The ANHA Office will be closed on Monday January 20, 2014, for the Dr. Martin L. King, Jr. Holiday. The office will reopen at 8:00 a.m. on Tuesday, January 21, 2014.

ANHA Expresses Sympathy

ANHA Past President Cecil Lee passed away last week. Mr. Lee was President of the Association in 1972. ANHA extends its deepest sympathy to the Lee family.

As we shared with you last week, Frederick Tildon Skelton, III passed away recently after a long illness. A Memorial Service will be held in his honor on Saturday, January 18, at 11:00 a.m., by his Mother, Rheta S. Skelton, his brother, Brian L. Skelton, and his sister, Loree J. Skelton. The service will be held at 230 Shades Crest Road, Birmingham, AL 35226.

Online Registration Open for “The Perfect Storm: A Convergence of Quality, Compliance, and Risk Management” Seminar

Please mark your calendars for February 3, 2014, as ANHA will present a seminar entitled “The Perfect Storm: A Convergence of Quality, Compliance, and Risk Management”. This seminar will be held at The Hyatt Regency - Wynfrey Hotel in Birmingham. The seminar will begin at 8:30 am and conclude at 4:00 pm. This seminar has been approved for 6 hours of continuing education for nursing home administrators. It has also been approved for 7.2 contact hours for nurses. *Please see the attached flyer for more information. Attendees should check www.anha.org approximately one week prior to the seminar to download the handouts.*

Call for Nominations: Alabama’s Best Practices

Will you share your Best Practice? You are invited to share your knowledge, positive ideas, creativity and communicate with other professionals as we continue to strive to meet the needs of our long-term care residents. *Attached is the 2014 Alabama’s Best Practices “Call for Nominations.”* We encourage each of you to look over the nomination form and submit your Best Practice. This year’s Best Practices Program is scheduled for Thursday, August 28, 2014. Nominations are due by April 18, 2014.

STATE NEWS

RAC Audit Update and Results

The Alabama Medicaid Agency has provided information to ANHA regarding common errors found by HMS, the Medicaid RAC audit contractor, for both the financial and clinical audits conducted thus far. Those facilities chosen for the first two rounds of financial audits should have received their results. The results of the facilities chosen for the first round of clinical audits will receive their results shortly. It is our understanding that the facilities receiving the results of their clinical audits will have 30 days to provide the necessary documentation prior to recoupments and they will also have an appeals process.

Clinical Audits: The RAC Clinical audit goal was to review supporting documentation for necessity of admission and continued stay in long term care for Medicaid residents. There was over \$2.6M identified in potential PASRR errors in the 32 of 35 facilities that were chose thus far for the clinical audit.

Common Errors Identified Include:

Form 161

Form missing

Lack of Medicaid admit date

Facility name missing

Lack of SSN or Medicaid ID

PASRR/OBRA

- Lack of completion prior to admission date
- Not signing as review after admission
- Form missing

Physician Visit

- Form missing
- Visits outside of required time frames

Financial Audits: The Financial audit goal was to identify improperly billed and paid claims to ensure the Alabama Medicaid Agency is the payer of last resort as required by CFR Chapter 42.

Common Errors Identified Include:

- Dates of Service paid after death or discharge
- Disallowed hospital bed hold days
- Home leave days payable by Medicaid exceeded
- Medicare or MCO covered period
- Hospice covered period
- Other insurance covered period
- Duplicate Medicaid payment
- Remaining patient funds on facility records for a deceased recipient

As a reminder, according to federal regulation the RAC entity must not review claims that are older than 3 years from the date of the claim, unless it receives approval from the State.

Providers are reminded that the Alabama Administrative Code and their Provider Agreements require compliance with requests for medical records for Medicaid program audits.

Please note that ALL facilities will receive a RAC clinical and financial audit at some point. We encourage you to please conduct chart audits to ensure that all necessary documentation is contained in the medical record to meet the guidelines set forth in federal and state regulations. Take this opportunity to review the common errors noted so that they can be avoided in the future.

ANHA plans to work with Medicaid to provide training on these areas identified as errors and issues.

Handling Funds Following the Death of a Medicaid-Eligible Resident

The Alabama Medicaid Agency sent an Alert to all nursing home providers on November 21, 2013 regarding the handling of funds following the death of a Medicaid-eligible resident. This issue has arisen during the financial RAC audits currently being conducted by Medicaid contractors. ANHA reposted the Alert in several newsletters beginning on November 27, 2013. In early December ANHA wrote a letter to Medicaid asking for a meeting to discuss this issue. A meeting was held this week regarding this issue, and as a result, we have confirmed with Medicaid that at this time facilities should continue to handle those funds as they have in the past. There will not be any efforts to recoup money from facilities based on the way facilities refund resident funds at death. Medicaid plans to issue a new Alert once we have had a chance to fully discuss this issue and clarify the procedures for handling these funds.

Update – Medicaid Rx Limit

Effective January 1, 2014, the Alabama Medicaid Agency will:

1. Limit the number of outpatient pharmacy prescriptions to five total drugs (including up to four brands) per month for adults. *Children under 21 and nursing home recipients are excluded.* Prescriptions will be tracked by the claims processing system, and up to five additional brand and generic antipsychotics, antiretrovirals, and anti-epileptic drugs will be automatically approved up to the 10 (total) prescription limit. *Prescriptions for the three month maintenance supply will not count toward the monthly prescription limit.*

Due to this exclusion:

- Maintenance supply medications dispensed between 1/1/14 and 1/9/14 must be reversed and retroactively rebilled to be excluded from the prescription limit.
 - Claims denied between 1/1/14 and 1/9/14 as a result of the prescription limit may now be eligible for coverage, and can be resubmitted.
 - Maintenance medications dispensed on or after 1/10/14 will be excluded from the prescription limit. No further action will be needed for these claims.
2. Implement a mandatory three month maintenance supply program for selected medication classes. A maintenance supply prescription will be required after 60 days stable therapy. The selected classes can be found on the Alabama Medicaid website at www.medicaid.alabama.gov.

State Holiday – Monday, January 20

The OBRA PASRR Office will be closed on Monday, January 20, 2014, for the Dr. Martin Luther King Jr./Robert E. Lee Holiday. The OBRA PASRR office will reopen on Tuesday, January 21, 2014. The internet application will remain available for an immediate Level I Determination.

The Level I Screening must be in to the OBRA Office by 3:00 p.m. on Friday, January 17, 2014, to ensure a Level I Determination this business day.

New Rules Proposed to Support Move to RCOs, Comply with State Law

Five new rules to regulate the operation of Regional Care Organizations were filed December 17 by the Alabama Medicaid Agency, outlining proposed state requirements that will be used to support the Agency's move to Regional Care Organizations and to comply with state law. The proposed rules include requirements for RCO Governing Boards; for RCO Citizens' Advisory Committees; for receiving probationary certification as a RCO; for contracting for specific case management services with probationary RCOs, and for active supervision of probationarily certified RCOs. Written or oral comments on any of the five rules may be submitted no later than February 4, 2014, to: Agency Administrative Secretary, 501 Dexter Ave., P.O. Box 5624, Montgomery, AL 36103-5624. To read the full text of the proposed rules please click on the following link:

http://medicaid.alabama.gov/CONTENT/2.0_newsroom/2.7.3_Regional_Care_Organizations.aspx.

Annual Report of Employing Agencies

It is that time of year again when the Annual Report of Employing Agencies is due to the Alabama Board of Nursing (ABN). January 31, 2014, is the deadline. Here is the link to the information you need to know about how to report: <http://abn.alabama.gov/Content.aspx?id=178>.

If you are a subscriber to the online verification subscription service, you do not have to submit the report because your report is the subscription. This is a good time to check your subscription and delete nurses who no longer work for you and add those that you plan to monitor.

ABN checks each name and license number against its database to be sure that the individuals you list are appropriately licensed. The law requires that each nurse be properly licensed in order to practice nursing. If you have questions about the report, do not hesitate to contact ABN's Call Center at 1-800-656-5318.

NATIONAL NEWS

CMS Issues Final Rule on Home and Community Based Services

The Centers for Medicare and Medicaid Services (CMS) issued its much-anticipated final rule defining Home and Community-Based (HCBS) settings under Medicaid waiver programs.

CMS made the following modifications in the final rule:

- **Disability specific complex:** Rather than citing disability specific complex in the list of settings presumed to be an HCB setting, the CMS final rule includes language that reads "any other setting that has the effect of discouraging integration of individuals in the broader community."
- **"Rebuttable presumption":** In the proposed rule, there was a provision where the Secretary would have a "rebuttable presumption" that certain settings that are co-located or near institutional settings such as NFs. The "rebuttable presumption" provision has been struck from the final rule and replaced with language stating that these settings will be subjected to heightened scrutiny if states seek to include such settings in their HCBS programs. States will be required to present evidence to CMS that the setting is HCB in nature and does not possess the qualities of an institution. CMS will consider input from stakeholders in such instances and states will be required to seek public input.
- **Choice of provider:** in provider-owned or controlled settings. The final rule says that when an individual chooses to receive HCB services in a provider-owned setting where the provider is paid a single rate to provide a bundle of services, it is assumed that the individual is choosing that provider and cannot choose an alternative provider to deliver all services included in the bundled rate. For services not included in the bundled rate, individuals may choose any qualified provider including the provider who owns or controls the setting.
- **Private rooms/roommate choice:** The proposed rule required providers to offer Medicaid beneficiaries a choice of whether to share a room. Under the final rule, that requirement has been shifted to states. Now states will be required to offer options available in both private and shared residential units within HCBS programs. Providers will be responsible for facilitating individuals being able to choose their roommates in residential settings.

Here is what's included in the final rule...

- **A transitional process for states to ensure that their waivers and state plans meet the HCBS settings requirements**

New 1915(c) waivers or 1915(i) state plans must meet the new requirements to be approved. For currently approved 1915(c) waivers and 1915(i) state plans, states must evaluate the settings currently in their 1915(c) waivers and 1915(i) state plan programs and, if there are settings that do not fully meet the final regulation's home and community-based settings requirements, work with CMS to develop a plan to bring their program into compliance.

The public will have an opportunity to provide input on states' transition plans. CMS expects states to transition to the new settings requirements in as brief a period as possible and to demonstrate substantial progress during any transition period. CMS will afford states a maximum of a one-year period to submit a transition plan for compliance with the home and community-based settings requirements of the final rule, and CMS may approve transition plans for a period of up to five years, as supported by individual states' circumstances, to effectuate full compliance.

- **Assisted Living settings are no longer excluded based on proposed physical plant/location requirements.**

- **Person-centered planning**

The final rule requires that HCBS programs have a person-centered planning that addresses the health and long term services and support needs that are reflective of the individual Medicaid beneficiary's preferences and goals. According to CMS, the agency will be providing additional guidance to states regarding the process for operationalizing person centered planning.

- **HCBS settings must meet certain qualifications.**

These include:

- The setting is integrated in and supports full access to the greater community;
- Is selected by the individual from among setting options;
- Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint;
- Optimizes autonomy and independence in making life choices; and
- Facilitates choice regarding services and who provides them.

- **There are additional requirements for provider-owned or controlled HCBS residential settings.**

These requirements include:

- The individual has a lease or other legally enforceable agreement providing similar protections to a lease;
- The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate the unit;
- The individual controls his/her own schedule including access to food at any time;
- The individual can have visitors at any time; and
- The setting is physically accessible.

Notes: CMS is allowing states a one-year maximum timeframe to submit a transition plan for compliance with the final rule and that the agency may approve transition plans up to five years to ensure full compliance.

Also, CMS has a website (<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Support/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>) that contains fact sheets and other materials related to the new rule.

In addition, CMS will host a webinar on **Thursday, January 23** at 12 p.m. CST to discuss the final rule, with a repeat of the webinar on **Thursday, January 30**, at 12 p.m. CST.

For information on these programs, visit CMS' Home & Community Based Services website at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Support/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

CMS Issues Clarified Program Guidance Related to Jimmo Settlement

Recently, the Centers for Medicare and Medicaid Services (CMS) released the long anticipated revised program manual guidance in accordance with the *Jimmo v. Sebelius* settlement agreement, and has initiated their outreach and education efforts. *Attached is a brief summary of the history of Jimmo and highlights from the recently released CMS program manual updates, educational materials, and recent National Provider Call.* In addition, the American Health Care Association (AHCA) has provided web links to the pertinent court, CMS, and AHCA documents to-date related to Jimmo.

ICD-10 Update

On **October 1, 2014**, the ICD-9 code sets used to report medical diagnoses and inpatient procedures will be replaced by ICD-10 code sets. ANHA is working on setting up training soon for the ICD-10. We came across some information that you might find beneficial as you plan for the ICD-10 implementation. *For facts and myths regarding ICD-10, please visit* <http://www.cms.gov/Medicare/Coding/ICD10/downloads/ICD-10MythsandFacts.pdf>.

Reminder: Post OSHA Illness & Injury Forms On Feb. 1 until April 30, 2014

February 1 is the deadline for employers to post the Summary of Occupational Safety & Health Administration (OSHA) Occupational Work-Related Injuries and Illnesses Summary Form 300A, which must remain posted until April 30, 2014. The injuries and illnesses being reported are for calendar year 2013.

Work-related injuries and illnesses that must be reported are those that occur in a work environment and results in one of the following conditions: a loss of consciousness, sick days, medical treatment beyond first aid, restricted work activities, a job transfer, and death. Other conditions that must be recorded are needle stick injuries or cuts from sharp objects as well as sprain and strain injuries to muscles joints and connective tissue according to the OSHA Form 300. For a complete list of injuries and illness that need to be recorded, go to <https://www.osha.gov/recordkeeping/RKforms.html>. There are forms that can be completed by printing a blank form or forms can be filled out online.

An employer must keep the OSHA's log and summary for five years after the reported year. For example, 2012 must be retained through 2017.

FACILITY NEWS

Facility News is now posted on ANHA's news website: news.anha.org.

Here are the articles posted this week:

- Capitol Insider: Highlights of the First Week of the Legislative Session
- North Alabama Nursing Home Resident Celebrates Milestone Birthday
- Nursing Home Succeeds During Difficult Time
- Capitol Insider: State of the State Address Preview

OTHER NEWS

Check Updated LEIE Database

The US Department of Health and Human Services (HHS), Office of Inspector General (OIG) has just released its updated List of Excluded Individuals and Entities (LEIE) database file, which reflects all OIG exclusions and reinstatement actions up to, and including, those taken in December 2013. This new file is meant to replace the updated LEIE database file available for download last month. Individuals and entities that have been reinstated to the federal health care programs are not included in this file.

The updated files are posted on OIG's website at

https://oig.hhs.gov/exclusions/exclusions_list.asp, and healthcare providers have an "affirmative duty" to check to ensure that excluded individuals are not working in their facilities or face significant fines. Instructional videos explaining how to use the online database and the downloadable files are also available on the OIG website at

<http://oig.hhs.gov/exclusions/download.asp>. Given the penalties and recent government warnings, long term care providers should check the LEIE on a regular basis.

Quality Improvement Videos

We are excited to share with you two short videos developed by CMS' Quality Improvement Organization (QIO) Program that highlights important quality improvement principals, the PDSA (Plan, Do, Study, Act) Cycle and Recognizing and Eliminating the 7 Wastes (Waiting, Overproduction, Rework, Motion, Processing, Inventory, and Transportation). Each video is 6-7 minutes in length and are available to you as teaching tools and offer a wonderful opportunity to spark or re-ignite your quality improvement efforts in 2014. We request that you view the videos and then share it with 3 of your colleagues. The QIO would like to know how you have used the videos and/or the quality improvement principals to help re-ignite quality improvement efforts in your facility.

The Domestic Lean Goddess – Getting the Kids to School on Time – PDSA:

http://www.youtube.com/watch?v=jsp-19o_5vU

The Domestic Lean Goddess – Clothing Processing Center – Eliminating the 7 Wastes (Muda):
<http://www.youtube.com/watch?v=JkXUqxO0FEA>

Promoting Positive Behavioral Health: A Non-pharmacologic Toolkit for Senior Living Communities

The “Promoting Positive Behavioral Health” toolkit can help nursing homes better address resident behaviors without the use of medications. The toolkit was prepared by the Commonwealth Fund and the Hartford Foundation. For more information on the toolkit, visit <http://www.nursinghometoolkit.com/>.

Emergency Preparedness Training Video

ANHA has become aware of a recently completed video specific to emergency preparedness in nursing homes & assisted living facilities. It is intended for in-service training and orientation of staff that work in such facilities, and was designed to be engaging in a story-like format; with preparedness messages conveyed throughout the story. This is something you might want to use in your facilities. The video link: <http://www.youtube.com/watch?v=vD7u4n0OdJI>

Mark your Calendar for AHCA’s Nutrition Webinar Series!

The American Health Care Association (AHCA), along with Brenda Richardson, MA, RDN, LD, CD, a known leader in the field of dietetics and works with business development/relations for Dietary Consultants, Inc., will be presenting a series of nutrition related webinars for those in the long term care field. Join them for important updates and information impacting your centers and patients. Get your pressing questions answered.

Webinar Schedule:

- Jan. 21, 2014: Nutrition and MDS 3.0
- <http://webinars.ahcancal.org/session.php?id=11612>: 1:00 p.m. – 2:15 p.m. CST
- Feb. 18, 2014 Current Best Practice Standards for Nutrition in Long Term Care <http://webinars.ahcancal.org/session.php?id=11614>): 1:00 p.m. – 2:15 p.m. CST

What’s New at the 2014 AHCA Quality Symposium

It’s one of the busiest times of the year, so don’t delay. Before the holiday rush kicks in, register for the Quality Symposium, and cross one thing off your end-of-the-year list of things to do. The registration deadline is January 10, 2014.

NEW Education Sessions Added

A terrific line-up of educational and networking opportunities makes this one of the best long term care events of the year. Three clinically-focused sessions designed specifically for nursing attendees have been added. These sessions will discuss the care practices and services that are targeted areas for quality improvement. In addition, new sessions have also been added for assisted living providers. And, on Tuesday, February 11, a celebration luncheon will be held recognizing those centers around the country that have accomplished multiple Quality Initiative goals.

The symposium will kick off with five, four-hour intensives (included with registration) that offer attendees the opportunity to dive into critical issues facing long term and post-acute care providers. With more than 20 education sessions available, two general sessions, a poster gallery, and lots of opportunities for professional networking, you won’t want to miss this event!

Join the American Health Care Association for the 6th annual Quality Symposium: Quality Is Our Business Solution on February 10-12, 2014, at the New Orleans Marriott in New Orleans, LA. Registration is available online at:

<http://www.ahcancal.org/events/qualitysymposium/Pages/Registration.aspx>.

CALENDAR OF EVENTS

<u><i>Date</i></u>	<u><i>Event</i></u>	<u><i>Location</i></u>	<u><i>Time</i></u>
January 24	ANHA Region VII Meeting RSVP: Gail McInnish (251) 937-3501, gail.mcinnish@infirmaryhealth.org Guest Speaker: ANHA's John Matson Topic: How to Share the Good News about Nursing Homes	Felix's Fish Camp Mobile	12:00 p.m.
January 31	ANHA Region VII Act/SS Auxiliary Meeting RSVP: Jo Ann Smyly (334) 637-3239	Felix's Fish Camp Mobile	11:30 a.m.
February 4	ANHA Seminar: The Perfect Storm: A Convergence of Quality, Compliance, and Risk Management	Hyatt Wynfrey Birmingham	8:30 a.m.

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 Links:
 Alabama Nursing Home Association <http://www.anha.org>
 AL Board of Examiners of Nursing Home Administrators <http://www.alboenha.state.al.us>
 AL Dept. of Public Health <http://www.adph.org>
 CMS <http://cms.gov>