



# 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, February 1, 2013*

## ANHA NEWS

### **ANHA Partners with the National Center for Disaster Medical Response, University of South Alabama Center for Strategic Health Innovation**

The Alabama Nursing Home Association has been working with the National Center for Disaster Medical Response, University of South Alabama Center for Strategic Health Innovation in the development of a training program specific for nursing homes. In addition, we have jointly prepared a Disaster Planning Guidance Manual regarding Sheltering in Place and Evacuations. To roll out the manual, we will be jointly presenting seminars across the state.

This specific ARRTC Road Show is a three (3) hour course designed for key administrators and staff at all healthcare facilities in the state. Four (4) Road Shows will be offered at sites throughout the state. The goal of this training is twofold: to bring ARRTC training on site to healthcare facilities across the state, thereby allowing participation by more staff; and to invite regional neighbors/response partners to the training for purposes of establishing and enhancing a common knowledge of the basics of disaster response for healthcare facilities.

Key topics include: Intro to Hospital Incident Command System (HICS), National Incident Management System (NIMS) and National Response Framework (NRF); NIMS Compliance Requirements; Alabama Incident Management System (AIMS); Hazard Threat and Vulnerability Assessment and Disaster Response Plans; Altered Standards of Care; Chemical and Radiological Awareness; Biological Awareness; Decontamination and Personal Protective Equipment; Surge Capacity and Resource Management; Emergency Operations Center Activities; Medical Needs Shelters, Medical Reserve Corps; Strategic National Stockpile and Points of Dispensing; Evacuation; Fundamentals of Efficient and Effective Patient Handling during Evacuation; and current topics and unique events requested by ADPH.

The ARRTC Road Show is designed for individuals charged with disaster response leadership for their organization. The registration is FREE, but is required! The training will be held at the following dates and times:

February 28	Montgomery	8:00 a.m. and repeated again at 12:00 p.m.
March 13	Birmingham	8:00 a.m. and repeated again at 12:00 p.m.
April 11	Huntsville	8:00 a.m.
April 30	Orange Beach	12:00 p.m.

*Please see the attached flyers for registration information.*

## 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 2013 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 29. Nominations are due by April 19.

## The Long Term Care Survey Is Back and Better Than Ever!

The new November 2012 edition includes all CMS' updates:

- Revisions were made to Appendix P of SOM: use of new QM report.
- Revisions to Chapter 9 of SOM: Changes and Deletions to Exhibits.
- Changes to Appendix PP:
  - F-tag 309 (Quality of Care at or near End of Life)
  - F-tag 322 (Feeding Tube)
  - F-tag 155 (Residents Rights to Establish Directives and Accept or Decline Treatments)



The new edition also includes a searchable CD. ANHA survey guides are available for purchase for only \$52.00 each. *Please see the attached order form for more details.*

## NATIONAL NEWS

### CMS Releases Revised Guidance for F441

The Centers for Medicare & Medicaid Services (CMS) has released a memorandum that clarifies and revises guidance to surveyors in Appendix PP of the SOM regarding citations under F Tag 441 related to 42 CFR §483.65(c). The memo addresses laundry detergents with and without antimicrobial claims, use of chlorine bleach rinses, water temperatures during the process of washing laundry, maintenance of laundry equipment and laundry items, and ozone laundry cleaning systems. *A copy of the guidance is attached.*

### Do You Need A License To Play Music In Your Community?

Some nursing home members in surrounding states have been contacted by one or more of the three entities which hold copyrights for music: BMI, SESAC or ASCAP. These contacts, by letter or telephone call, assert the member is violating U.S. Copyright laws by playing music in a "public space." They are requesting the provider apply and pay for a license to play music in their facilities.

Under the 1976 Copyright Act, the holder of the copyright or its assigns (BMI, SESAC or ASCAP) has the exclusive right to reproduce the work and, in the case of a sound recording, to **perform** the copyrighted work **publicly**. **Perform** has a broad definition and includes singing, playing music, broadcasting, playing a CD or DVD, or turning on a radio or TV. **Publicly** means to perform any place where a substantial number of persons outside a normal circle of family and social acquaintances hear the music or it is open to the public.

Examples of situations where playing music may be a public performance include live performances, DJ's, Karaoke, music in common areas, large screen or multiple TV's, background music, resident social gathering/holiday events, aerobic/dance/fitness classes.

There are two exceptions which may apply to nursing homes:

- Areas less than 2,000 total square feet (excluding residential areas) may be excluded from having to obtain a license.
- Live performances for residents in a not-for-profit community that does not create any direct or indirect commercial activity (marketing) do not need a license. A local choir singing Christmas carols would be an example.

A determination of whether you need a license from BMI, SESAC and or ASCAP will depend on the specific circumstances in your community. ANHA recommends you consult an attorney before deciding to apply for a license.

You can get more information by going to the web site of each of the licensing entities:

[www.bmi.com](http://www.bmi.com); [www.sesac.com](http://www.sesac.com); [www.ascap.com](http://www.ascap.com)

## **Department of Labor Delays ACA Employer Requirement to Communicate Coverage Options**

The American Health Care Association has learned that the U.S. Department of Labor (DoL) plans to delay implementation of the Affordable Care Act (ACA) requirement that employers must inform their current employees about the availability of the exchanges and tax credits by the original March 1, 2013, deadline. AHCA also understands that DoL will likely delay the requirements until regulations are promulgated. The implementation date will likely be closer to Oct. 1, 2013, which is the open enrollment date. We will keep you posted as this issue develops.

## **HHS Releases Final Privacy/Security Rules**

The US Department of Health and Human Services (HHS) has released the long-awaited omnibus final rule modifying the Health Insurance Portability and Accountability Act (HIPAA). The final omnibus rule is based on statutory changes under the Health Information Technology for Economic and Clinical Health Act (HITECH), enacted as part of the American Recovery and Reinvestment Act of 2009, and the Genetic Information Nondiscrimination Act of 2008 (GINA). The changes in the final rule expand many of the privacy and security requirements to business associates that receive protected health information. Business associates may be liable for the increased penalties for noncompliance based on the level of negligence up to a maximum penalty of \$1.5 million. The changes also strengthen the HITECH Breach Notification requirements by clarifying when breaches of unsecured health information must be reported to HHS. The modification will make it much more difficult for covered entities and business associates to justify a decision not to notify individuals when an incident occurs. The final rule will likely result in more breaches and more enforcement. AHCA's general counsel is currently drafting a more detailed summary of the new rule, which we will distribute soon. To obtain the HHS rule go to <https://www.federalregister.gov/articles/2013/01/25/2013-01073/hipaa-privacy-security-enforcement-and-breach-notification-rules>.

## **HHS Proposes Reinsurance Fee Rule**

In December 2012, the U.S. Department of Health (HHS) released a proposed rule that would impose an estimated fee of \$63.00 per covered life under an employer's major medical health plan. The fee is known as a reinsurance fee. It applies to both insured and self-insured plans.

Beginning in 2014, under the proposed rule certain health insurance issuers in the individual and small employer markets would become subject to new restrictions on how they price health insurance and the conditions under which they provide the insurance. These additional restrictions could cause some insurers to cover higher-risk populations and adversely affect the insurers' financial situation. The Affordable Care Act provides temporary reinsurance payments to insurers who must cover higher-risk populations.

Unfortunately, these reinsurance payments would be funded through the aforementioned reinsurance fee payable by employers. The reinsurance fee would be collected at the federal level and would only last for a three year period (2014-2016). The fee would decrease each year it is in effect.

Plan sponsors of self-funded plans would be expected to submit plan enrollment information to HHS by November 15, 2014. The enrollment information would describe the average number of covered lives for the 2014 benefit year. Generally, within 15 days of that submission, HHS would notify the employer of the amount of the reinsurance fee. The employer would then have 30 days to pay the fee to HHS. To obtain a complete copy of the federal register go to <http://www.gpo.gov/fdsys/pkg/FR-2012-12-07/pdf/2012-29184.pdf>.

## **TODAY, February 1: Post OSHA Injury and Illness Forms**

Nursing homes are required to post the Occupational Safety and Health Administration – OSHA Form 300A by February 1. The form should be posted in a public area where employees can view it. The report must remain posted through April, 30, 2013. To obtain instructions and forms, visit [www.osha.gov/recordkeeping/RKforms.html](http://www.osha.gov/recordkeeping/RKforms.html).

# **STATE NEWS**

## **The Bureau of Health Provider Standards Moves Offices**

The Bureau of Health Provider Standards will be relocating to the 7<sup>th</sup> floor of the RSA Tower in Montgomery. The move will begin on February 8, 2013, and will be completed on February 9, 2013. This move includes the Long Term Care, Provider Services, Nurse Aide Registry, Training, MDS and Assisted Living Units of the Bureau. Please address correspondence to the following address: 201 Monroe Street, Suite 710, Montgomery, AL 36104. Please specify which unit or individual employee your correspondence should be directed to.

## **Reminder – New OBRA Screening Office Website**

Some persons have reported problems signing into the website for the OBRA Screening Office. OBRA sent out information previously alerting nursing facilities and hospitals of the new address. The new web address is [www.mh.alabama.gov/pasrr](http://www.mh.alabama.gov/pasrr). Please make a note of it.

## Nurse Aide Abuse Registry

Please note that the following individuals have been placed on the Alabama Nurse Aide Abuse and/or Sanction Registry. These individuals are prohibited from working in any long-term care facility. To check nurse aides, you can use the nurse aide web site at [www.adph.org](http://www.adph.org) (Click on Contents A-Z - located in the dark blue at the top of the screen - then Click on Nurse Aide Registry - then Click in the white box and type in the Social Security Number of the person you are trying to find. Be sure and include the dashes in the SSN.)

<u>Name</u>	<u>Effective Date</u>
LaMetrica Melton	1/25/13
Tanganyika Moore	1/25/13

## FACILITY NEWS

### Ms. Alabama Nursing Home Meets New ANHA Leader



Ms. Alabama Nursing Home Terry Jean Camp recently visited with ANHA's new leader Bill O'Connor during his visit to Athens Rehab & Senior Care. Ms. Camp gave Mr. O'Connor an update on her activities while he shared with her plans for the legislative session. Ms. Alabama Nursing Home will be glad to visit your facility or attend special events. To invite her, contact Misty Gilbert at Athens Rehab & Senior Care at (256) 232-1620.

### Noland Health Celebrates 100<sup>th</sup> Anniversary with a Cake Contest



Founded in 1913, Noland Health Services is celebrating its 100<sup>th</sup> anniversary. As part of the celebration, Noland held a cake contest with each of its five nursing homes baking up its best recipe. The Oaks on Parkwood's entry was chosen as the winning cake. The winning recipe will now be used at various celebration events throughout the year. Staff members are pictured with the winning cake.

# OTHER NEWS

## **Nursing Home Social Work Webinar on Psychosocial Assessment**

A 15-session series dedicated to *Best Practice Nursing Home Social Work Services* has begun. The webinars are targeted toward social service staff members, although anyone is welcome. There is no charge to participate in the webinars, although registration is required. Participants may phone in or listen through their computer speakers. Webinar hand-outs are posted on the website and will be recorded and posted on the site within 24 hours. For more information about the webinar series, go to <http://www.uiowa.edu/~socialwk/NursingHomeResource/index.html>.

## **Long-Term Care Open Door Forum**

The next Centers for Medicare & Medicaid Services (CMS) Skilled Nursing Facility (SNF)/Long-Term Care (LTC) Open Door Forum (ODF) is scheduled for February 14, 2013, at 1:00 p.m. CT.

The ODF addresses the concerns and issues of both the Medicare SNF, the Medicaid NF, and the nursing home profession in general. The types of issues raised during this forum are often related to the Minimum Data Set, SNF Consolidated Billing, the roles and responsibilities of different SNF, NF or LTC professional staff under CMS regulations, clarifications of issues that are covered during a survey and certification process, and the many rules and requirements under which different related services can be payable.

To participate by phone: Dial: 1-800-837-1935 & Reference Conference ID: 78866871.

## **Upcoming AHCA Webinar: OSHA and LTC Providers**

Date: February 19, 2013, from 1:00 p.m. to 2:00 p.m. CT

Title: OSHA and Long Term Care Providers: What to Expect and Prepare for in President Obama's Second Term

Speakers: Bradford Hammock, Attorney at Law, JacksonLewis, LLP

Registration Link: <http://webinars.ahcancal.org/session.php?id=10181>

Over the last four years, the Occupational Safety and Health Administration has been very active particularly in the enforcement arena. By virtually every metric, OSHA enforcement is at historic levels. Long term care providers have been a major focus of the agency's enforcement efforts, with OSHA's Nursing Home National Emphasis Program leading OSHA compliance officers into facilities across the country. As we enter the second four years of OSHA under President Obama, what should the long term care industry expect? Will OSHA continue to target the industry in its enforcement efforts? What new regulatory and other policy initiatives should long term care employers prepare for? This webinar will review the last four years and look ahead to the next four, with a specific focus on the long term care industry and how facilities can prepare for what's next at OSHA.

Learning Objectives:

- Understand what OSHA activities impacting long term care providers have occurred during the past four years.

- Learn what OSHA activities impacting long term care providers can be expected during the next four years.
- Understand how the OSHA Nursing Home National Emphasis Program has impacted and will continue to impact nursing centers.

### **Registration Open for AHCA Independent Owner Leadership Conference**

Don't miss this unique opportunity to meet and discuss all the issues that concern you with the people who understand exactly what you deal with on a day-to-day basis. The American Health Care Association's Independent Owner Leadership Conference will be held March 13-15, 2013, at the Westin Beach Resort & Spa in Fort Lauderdale, FL.

This year, the focus of the Independent Owner (IO) Leadership Conference is on Electronic Health Records (EHR). You'll hear from IOs who have already implemented EHRs. Learn how they did it, what challenges they faced, how much it costs, and why it was useful. You'll have opportunities to ask questions and find out everything you need to know to get started on the process at your facilities. We'll also tie in the use of EHRs with the AHCA Quality Initiative and show you how technology can help you meet the challenges you face and raise the quality of care you provide.

The IO Leadership Conference is for not for profit operators and for profit owners of ten or fewer facilities providing skilled nursing, assisted living, and developmental disability services. Attendees can earn up to 13 CEUs. Registration and attendance for companies and individuals who sell or market products and/or services to provider organizations is limited to sponsors only. AHCA reserves the right to grant final approval for all registrants to attend this conference. Register early and save \$75.00! The advanced registration deadline is February 15, 2013. For more information or to register online, visit [www.io.ahcancal.org](http://www.io.ahcancal.org)

## **CALENDAR OF EVENTS**

<u><i>Date</i></u>	<u><i>Event</i></u>	<u><i>Location</i></u>	<u><i>Time</i></u>
February 1	ANHA ACT/SS Board of Directors Annual Retreat – Day 2	ANHA Offices Montgomery	8:30 a.m.
February 8	ANHA Region VII Meeting RSVP: Gail McInnish (251) 937-3501, <a href="mailto:gail.mcinnish@infirmarhealth.org">gail.mcinnish@infirmarhealth.org</a>	Felix's Fish Camp Mobile	12:00 p.m.
February 20	ANHA Region IX Act/SS Auxiliary Meeting Guest Speaker: includes CEUs and lunch RSVP by February 15 to: Debra Dixon: (205) 932-5966	Hospice of West Alabama Tuscaloosa	12:00 p.m.

February 28	ANHA Region III Meeting RSVP: Kevin Ball (205) 788-6330 <a href="mailto:kball@ballhealth.com">kball@ballhealth.com</a> Guest Speaker: Robinson-Adams Insurance	Eastview Rehab & Healthcare Center	12:00 p.m.
February 28	ARRTC Road Show Disaster Training	Turenne PharMedCo Offices Montgomery	8:00 am & 12:00 pm
March 13	ARRTC Road Show Disaster Training	Wynfrey Hotel Birmingham	8:00 am & 12:00 pm
April 11	ARRTC Road Show Disaster Training	Westin Hotel Huntsville	8:00 am
April 30	ARRTC Road Show Disaster Training	Perdido Road Show Orange Beach	12:00 pm

**Alabama Nursing Home Association**

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**WEB SITES:**

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>