



# 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 8, 2013*

## ANHA NEWS

### **Legislative Session Begins**

The 2013 Regular Session of the Alabama Legislature is underway. *Please see the attached On the Hill for more information about bills important to ANHA members. On the Hill* is published each week during the legislative session.

### **April 1 is the Deadline for 2013 ANHA Dues**

Monday, April 1 is the deadline for payment of the 2013 ANHA membership dues. Facilities that have not paid their dues in full or have not established a payment plan may be dropped from the membership. Please contact Pat Williams at the Association Office at (334) 271-6214 or [pwilliams@anha.org](mailto:pwilliams@anha.org) if you have any questions or want to set up a payment plan.

### **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.*

### **“OSHA Recordkeeping and Workplace Safety for Long Term Care Facilities” Educational Seminar - April 3**

Please mark your calendars for April 3, 2013, as ANHA will present a seminar entitled “OSHA Recordkeeping and Workplace Safety for Long Term Care Facilities.” This seminar will be held at The Wynfrey Hotel in Birmingham. The seminar will begin at 9:00 a.m. and conclude at 3:00 p.m. This program has been approved for 5 hours of continuing education credits by the Alabama Board of Examiners for Nursing Home. It has also been approved for 6 contact hours of continuing education for nurses. The Alabama Nursing Home Association is an approved provider by the Alabama Board of Nursing (ABNP0151- expires 3/12/2017). *Please see the attached flyer for more information.*

### **AIT/Preceptor Certification & Recertification Training Seminar – April 2**

The “AIT/Preceptor Certification and Recertification Training” Seminar will be presented on April 2, 2013, at The Wynfrey Hotel in Birmingham. All individuals interested in becoming a licensed nursing home administrator must complete a board approved Administrator-In-Training (AIT) Program. The Board has rules and regulations regarding entry-level requirements for nursing home administrators, the length of the AIT program for applicants and the qualifications for becoming a certified preceptor. This session is designed to certify licensed nursing home administrators who are interested in conducting an AIT program in their facility as preceptors.

In order to qualify to become a certified preceptor, individuals must have been a licensed and practicing administrator in Alabama for at least three years, or have been a licensed nursing home administrator for at least two years in another state and have been licensed and practicing in Alabama for at least one year, with no disciplinary action having been taken against them in the last three years. Preceptor certification and re-certification, once approved, lasts for three years. This seminar has been approved for 3 hours of CEUs for nursing home administrators. *Please see the attached flyer for more details.*

### **Call for Nominations: Alabama’s Best Practices**

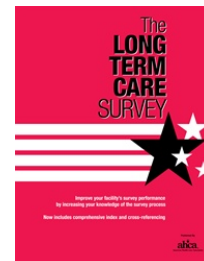
Will you share your Best Practice? You are invited to share your knowledge, positive ideas, creativity and communicate with other professionals as we continue to strive to meet the needs of our long term care residents. *Attached is the 2013 Alabama’s Best Practices “Call for Nominations.”* We encourage 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 has survey guides available for purchase for only \$52.00 each. *Please see the attached order form for more details.*

## NATIONAL NEWS

### ACA Compliance and Ethics Program

According to the statutory language in section 6102 of the Affordable Care Act (ACA), which added Section 1128I of the Social Security Act, all skilled nursing facilities (SNFs) and nursing facilities (NFs) must have in operation an effective compliance and ethics program by March 23, 2013. As reported previously, under the ACA, the HHS Secretary working with the Office of Inspector General (OIG) is required to promulgate regulations for designing and implementing a compliance and ethics program by March 23, 2012; but this deadline has passed with no regulations. In 2012, The American Health Care Association (AHCA) contacted OIG about the regulation and was told that CMS was drafting the compliance and ethics rule. Subsequently, AHCA staff contacted CMS and we were told that the agency is in the process of drafting the rule and could not share information or timelines. As a result, many nursing facility providers are confused about how they should proceed in the design and implementation of a compliance and ethics program, and when they must meet the deadline for implementing a program.

The ACA statutory language discussing the compliance and ethics program says that “on or after the date that is 36 months after the date of the enactment of this section,” a facility must “have in operation a compliance and ethics program...consistent with the regulations developed...” As a matter of statutory construction this language is unclear, and the federal government could choose to interpret the compliance date using the March 23, 2013, deadline. In some ACA provisions, there is specific language stating that the policy is effective notwithstanding failure to issue regulations. In other ACA provisions, there is specific language stating that a policy change requires the issuance of a regulation before it can be effective. The ACA compliance and ethics requirement language, however, provides no explanation of whether or not the statutory deadline is dependent on the release of a final rule or if it can stand independently.

Therefore, **AHCA strongly encourages SNF/NF providers to strive to meet the statutory deadline (March 23, 2013) for designing and implementing a compliance program** whether or not CMS has released a final rule. We recommend, as we have for many years, that providers

(if they haven't already) begin the process of designing and implementing a compliance and ethics program by reviewing the information on AHCA's website at [http://www.ahcancal.org/facility\\_operations/integrity/Pages/Compliance-Programs.aspx](http://www.ahcancal.org/facility_operations/integrity/Pages/Compliance-Programs.aspx); the OIG guidance for SNFs/NFs released in 2000 at <https://oig.hhs.gov/authorities/docs/cpgnf.pdf>; and the OIG supplemental guidance released in 2008 at [https://oig.hhs.gov/compliance/compliance-guidance/docs/complianceguidance/nhg\\_fr.pdf](https://oig.hhs.gov/compliance/compliance-guidance/docs/complianceguidance/nhg_fr.pdf).

The ACA also specifically mentions the 8 components that must be incorporated into a compliance and ethics program, which are all discussed in the aforementioned links:

- The organization must have established compliance standards and procedures that reduce criminal, civil and administrative violations;
- Specific high-level personnel within the organization must have overall responsibility;
- The organization must use due diligence to ensure that employees have not been excluded from working in the Medicare or Medicaid program;
- The organization must effectively communicate and train employees on the standards and procedures outlined in the compliance and ethics program;
- The organization must have effective auditing and monitoring systems in place to detect criminal, civil or administrative violations;
- The standards and procedures must be consistently enforced;
- After a violation is detected, the organization must take reasonable steps to respond to any violations; and
- The organization must periodically evaluate the compliance and ethics program

### **Providers Do Not Violate HIPAA When Disclosing PHI to Law Enforcement**

The Department of Health and Human Services, Office for Civil Rights (OCR), in light of the recent mass shootings across the US, has released a reminder to health care providers that the Health Insurance Portability and Accountability Act (HIPAA) privacy rule does not prevent providers from disclosing necessary information about a patient/resident to law enforcement, family members or other persons, when providers believe the resident/patient presents a serious danger to himself or other people. Further, most states have laws or court decisions which address, and in many instances require, disclosure of patient/resident information to prevent or lessen the risk of harm. You can obtain a copy of the OCR document at <http://www.hhs.gov/ocr/office/lettertonationhcp.pdf>.

### **CMS National Partnership to Improve Dementia Care in Nursing Homes**

On the latest National Partnership call, the Centers for Medicare and Medicaid Services (CMS) provided an overview of their efforts related to decreasing the use of antipsychotic medications and improving the care to individuals with dementia. The slides are available online at <http://www.cms.gov/Outreach-and-Education/Outreach/NPC/Downloads/2013-01-31-Dementia-Care-presentation.pdf>.

Call highlights included:

- CMS plans to develop/perfect additional antipsychotic measures and send to National Quality Forum (NQF) for endorsement.
- By end of March, the Casper measure on antipsychotics on Five Star will be similar to the Nursing Home compare antipsychotic measure. Right now the measure exclusions differ and the differences have caused provider confusion.

- If the national antipsychotic measure to reduce medication use by 15% by the end of 2012 is not achieved, CMS will continue to strive to reach the current goal. If the goal is achieved, CMS plans to further develop more measures and refine the existing one.
- Surveyors, on survey, will be asking CNAs and others, on all three shifts about residents who are on antipsychotics. Surveyors want to learn the resident stories. They will also look at residents whose drugs were reduced and if other drugs have been added.

Last month, CMS sent to all nursing facilities, CMS regional offices and state survey agencies across the country a program called Hand in Hand. The program includes 3 DVDs a training series, that focuses on treating people with dementia using person-centered care approaches.

### **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.





residents may remain colonized. ADPH strongly recommends facilities follow the CDC recommendations and standards of practice. Evidence based practice, at this time, does not require a negative test prior to admission or readmission. Below are links to the CDC recommendations and standards of practice related to *Clostridium difficile*.

[http://www.cdc.gov/HAI/organisms/cdiff/Cdiff\\_faqs\\_HCP.html](http://www.cdc.gov/HAI/organisms/cdiff/Cdiff_faqs_HCP.html)

<http://www.cdc.gov/HAI/pdfs/cdiff/Cohen-IDSA-SHEA-CDI-guidelines-2010.pdf>

### **Update from the Alabama Medicaid Agency**

As a result of feedback from the nursing homes, Alabama Medicaid is developing a monthly report that will be generated for each nursing home that includes a list of their patients for which the Medicaid annual eligibility renewal is coming due. Once this report goes into production and is mailed monthly to each nursing home, please help make sure it gets in the appropriate staff person who can assist in making sure that annual renewals get completed.

In the meantime: currently each nursing home receives a package of patient account forms from Montgomery for each person who is due to be reviewed, sometime after the 10<sup>th</sup> of each month. It may be that these forms are going to the business office or another person in the facility, other than the person who would monitor the review/renewal. (The only time a patient account form is sent on a case is at application and review.)

### **Important Information from the Alabama State Board of Nursing**

The 2013 Annual Report of Standardized Procedures Report reflecting care provided in 2012 is now available online. As with previous reports, the 2013 report requires the CNO to update the report submitted for 2012 with edits, deletions or additions, thus decreasing the time factor for completion.

***NOTE: If your facility/agency/company is part of a larger corporation, please contact your Corporate Nurse before proceeding. The Corporate Nurse may be completing one report for all facilities/agencies or companies within your corporation.***

*As in 2012, facilities classified as Rural Health Clinics, FQHCs, Assisted Living and Specialty Care Assisted Living facilities are **NOT** required to report.*

To access the 2013 report, go to the ABN website ([www.abn.alabama.gov](http://www.abn.alabama.gov)); From the title bar or top menu, select **Nursing Practice**; select **Standardized Procedures**. Then click on the **2013 Standardized Procedures** link from the menu on the LEFT side of the page.

The **deadline** for the 2013 Annual Report of Standardized Procedures for Hospitals, Nursing Homes, Ambulatory Surgery Centers, Home Health, Hospice, ESRDs, Medical Transport Companies, Abortion Centers, Infusion Companies and the State Correctional facilities is **April 15, 2013**.

Please contact Carolyn Morgan for any questions at [carolyn.morgan@abn.state.al.us](mailto:carolyn.morgan@abn.state.al.us) or 334/293-5200

### **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.

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**

### **Crowne Healthcare of Springhill Earns Deficiency Free Survey!**

Crowne Healthcare of Springhill recently earned a deficiency free health survey! Angie Terry is the Administrator and Tim Wiggins is the Director of Nursing. The facility is owned by Crowne Management and is located in Mobile. Congratulations to the staff of Crowne Healthcare of Springhill on this outstanding accomplishment!

### **How Do You Use the *Weekly Roundup*?**

*Editor's Note: This testimonial is from David Hunt, Administrator and Owner of Limestone Health Facility in Athens.*

“I end and begin my week with the Weekly Roundup. I read the Weekly Roundup as soon as the e-mail arrives on Friday; and note of items that are important for my department heads. During the Monday morning meeting, my staff and I review the items and discuss how each applies to our facility. This keeps us up to date on changes to resident care and new regulations. All of my key staff members are on the Weekly Roundup e-mail list because it's an indispensable tool for nursing home operators.”

Please contact Kerri Parker at the Association office at (334) 271-6214 or [kparker@anha.org](mailto:kparker@anha.org) if you would like to add someone to the Weekly Roundup e-mail list. Please include the facility name, the person's name and title and their e-mail address.



# OTHER NEWS

## **AHCA Posts Tools for ACA Compliance**

The American Health Care Association (AHCA) is proud to offer members access to its Affordable Care Act webpage, which features all of the latest health reform analysis and tools for long term and post-acute care facilities. In addition to important resources and ACA updates, the site also features a critical timeline regarding upcoming deadlines and compliance programs.

The most recent updates include:

- Access to the Employer Responsibility Under the ACA webinar at <http://webinars.ahcancal.org/session.php?id=10245>
- AHCA Analysis of employer requirements at [http://www.ahcancal.org/facility\\_operations/affordablecareact/Pages/Health-Care-Coverage.aspx](http://www.ahcancal.org/facility_operations/affordablecareact/Pages/Health-Care-Coverage.aspx)
- Resources for the ACA-required compliance and ethics programs at [http://www.ahcancal.org/facility\\_operations/affordablecareact/Pages/Program-Integrity.aspx](http://www.ahcancal.org/facility_operations/affordablecareact/Pages/Program-Integrity.aspx)

## **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 8	ANHA Region VII Meeting RSVP: Gail McInnish (251) 937-3501, <a href="mailto:gail.mcinnish@infirmaryhealth.org">gail.mcinnish@infirmaryhealth.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>