



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, April 5, 2013

ANHA NEWS

Register Now and Save!

One Week Left to Take Advantage of Early Bird Prices for Mid-Year Convention

Early bird registration for the 2013 ANHA Mid-Year Convention is Friday, April 12. Register now and save! Prices will increase after April 12; and pre-registration ends on April 19. The convention will be held April 29-May 2. This event features national and state speakers leading seminars on timely topics of importance to all nursing home staff. *See the attached brochure and registration forms for more information.*

Disaster Training for Nursing Homes: Only Two Events Remain

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:

April 11	Huntsville	8:00 a.m.
April 30	Orange Beach	1:00 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 April 19.

NATIONAL NEWS

CMS Releases Memorandum Regarding CMPs

The Centers for Medicare and Medicaid Services (CMS) has released an Administrative Info memo, accompanying tool and instructions. Regional Offices are instructed to apply this guidance and tool for calculating CMPs when it is determined that they should be imposed. The guidance is effective April 1 for all new enforcement cases when the CMS Regional Office determines that a CMP is an appropriate enforcement remedy.

Summary:

- **Enhanced Enforcement Consistency:** The Centers for Medicare & Medicaid Services (CMS) is issuing the following guidance to promote more consistent application of enforcement remedies for skilled nursing facilities (SNFs), nursing facilities (NFs), and dually-certified facilities (SNF/NFs) (collectively referred to as "nursing homes" or "facility(ies)").
- **CMP Analytic Tool & Guidance on Choice of Remedy:** When the CMS Regional Office (RO) determines that a CMP is an appropriate enforcement remedy, all ROs will use the attached CMP Analytic Tool as a guide to choose, impose, and calculate CMPs. Also included is guidance for the RO to consider when determining whether to impose a CMP or an alternate remedy regardless of whether or not the State Survey Agency recommended a CMP.

The memo states that failure of a State to recommend a CMP or other remedy, or a State policy of not recommending CMPs, are not acceptable reasons for not imposing such remedies. In such a case, the RO must on its own review the survey findings and impose the appropriate remedy.

CMS describes this effort as a six-month pilot, to be evaluated for the usefulness and overall effectiveness of the Analytic Tool and guidance. At the end of six months, they will assess whether or not the tool and guidance have provided greater consistency in the use and application of CMPs and assess whether or not the imposition of CMPs had an effect on a facility's ability to achieve and sustain compliance with Federal requirements. At that point,

CMS will make any needed revisions to the tool and guidance as applicable. *A copy of the memorandum is attached.*

CMS S& C Memo: Access to Statements of Deficiencies (CMS-2567) on the Web for Nursing Homes and Hospitals

The Centers for Medicare and Medicaid Services (CMS) issued the *attached S&C* recently, highlighting changes to public reporting of survey findings/statements of deficiencies on the web. The primary focus of the memo is the announcement that this information will now be available online for acute care and critical access hospitals. CMS has already been posting nursing facility 2567s on Nursing Home Compare since July of last year.

The memo notes that in April 2013, CMS will expand the time period for which nursing facility 2567s are published (from the current single survey cycle to a period encompassing the preceding three standard health surveys and three years of complaint surveys). CMS will also be adding indicators for the scope and severity of each deficiency cited on the forms.

Finally, CMS reminds the state survey agencies that 2567 reports and Plans of Correction (which are not currently posted on Nursing Home Compare) are publicly releasable upon request and do not need a Freedom of Information Act (FOIA) request.

Manual Medical Review of Therapy Claims above the \$3,700 Threshold

The American Taxpayer Relief Act of 2012 (ATRA) was signed into law by President Obama on January 2, 2013. This law extends the Medicare Part B Outpatient Therapy Cap Exceptions Process through December 31, 2013. Section 603 of this Act contains a number of Medicare provisions affecting the outpatient therapy caps and manual medical review (MR) threshold.

The statutory Medicare Part B outpatient therapy cap for Occupational Therapy (OT) is \$1,900 for 2013, and the combined cap for Physical Therapy (PT) and Speech-Language Pathology Services (SLP) is also \$1,900 for 2013. This is an annual per beneficiary therapy cap amount determined for each calendar year. Exceptions to the therapy cap are allowed for reasonable and necessary therapy services. Per beneficiary, services above \$3,700 for PT and SLP services combined and/or \$3,700 for OT services are subject to manual medical review. The Centers for Medicare and Medicaid Services (CMS) is not precluded from reviewing therapy services below these thresholds.

The therapy cap applies to all Part B outpatient therapy settings and providers including:

- Therapists' private practices
- Offices of physicians and certain nonphysician practitioners
- Part B skilled nursing facilities
- Home health agencies (Type of Bill (TOB) 34X)
- Rehabilitation agencies (also known as Outpatient Rehabilitation Facilities-ORFs)
- Comprehensive Outpatient Rehabilitation Facilities (CORFs)
- Hospital outpatient departments (HOPDs)

In addition, the therapy cap will apply to outpatient hospitals as detected by:

- TOB 12X (excluding CAHs) or 13X;
- Revenue code 042X, 043X, or 044X;

- Modifier GN, GO, or GP; and
- Date of service on or after January 1, 2013

Medicare Administrative Contractors (MACs) will conduct prepayment review on claims reaching the \$3,700 threshold with dates of service January 1, 2013 to March 31, 2013. CMS requested MACs conduct these manual medical reviews within 10 days. At this time, there is no advance request for an exception process. Effective April 1, 2013, the Recovery Auditors will conduct prepayment review for all claims processed on or after April 1, 2013. Recovery Auditors will complete two types of review.

Prepayment Review:

- Claims submitted in the Recovery Audit Prepayment Review Demonstration states will be reviewed on a prepayment basis. These states are Florida, California, Michigan, Texas, New York, Louisiana, Illinois, Pennsylvania, Ohio, North Carolina and Missouri.
- In these states, the MAC will send an ADR to the provider requesting the additional documentation be sent to the Recovery Auditor (unless another process is used by the MAC and the Recovery Auditor).
- The Recovery Auditor will conduct prepayment review within 10 business days of receiving the additional documentation and will notify the MAC of the payment decision.

Postpayment Review:

- In the remaining states, the Recovery Auditors will conduct immediate postpayment review.
- In these states, the MAC will flag the claims that meet the criteria, request additional documentation and pay the claim. The MAC will send ADR to the provider requesting the additional documentation be sent to the Recovery Auditor. The Recovery Auditor will conduct postpayment review and will notify the MAC of the payment decision.

Section 603 (b) of the American Tax Relief Act counts outpatient therapy services furnished in a Critical Access Hospital (CAH) toward a beneficiary's annual cap and threshold amount using the Medicare Physician Fee Schedule rate. CAHs are not subject to the therapy cap, the manual medical review process, or the use of the KX modifier.

Please contact CMS with questions about the therapy cap review process at therapycapreview@cms.hhs.gov or visit <http://www.cms.gov/research-statistics-data-and-systems/monitoring-programs/medical-review/therapycap.html>.

FDA Recall: Sodium Chloride Injection, 0.9 percent, 1000 mL, Flexible Container: Recall - Brass Particulates

Hospira, Inc. notified healthcare professional of a voluntary nationwide user-level recall of one lot of 0.9% Sodium Chloride Injection, USP, 1000 mL, Flexible Container, NDC 0409-7983-09. This action is due to one confirmed customer report where brass particulate was identified in the primary container in the form of several small grey/brown particles. The affected lot number is 25-037-JT (the lot number may be followed by a -01 or -90), with an expiration date of January 1, 2015. Hospira is investigating to determine the root cause.

The brass particulate was identified as containing copper, zinc and lead. If administered, solution containing brass particulate may result in occlusion of small blood vessels. In a worst-case scenario, copper toxicity may potentially result in hemolysis and liver toxicity, including hepatic necrosis which may be fatal.

Background: The product is used as a source of water and electrolytes and is packaged in a 1000 mL flexible container. The affected lot was distributed nationwide between January 2013 and March 2013 to wholesalers/distributors, hospitals and pharmacies.

Recommendation: Anyone with an existing inventory should stop use and distribution, quarantine the product immediately, and call Stericycle at 1-888-480-2853 between the hours of 8am to 5pm EST, Monday through Friday, to arrange for the return of the product. Replacement product from other lots is available.

Healthcare professionals and patients are encouraged to report adverse events or side effects related to the use of these products to the FDA's MedWatch Safety Information and Adverse Event Reporting Program:

- Complete and submit the report Online: www.fda.gov/MedWatch/report.htm
- Download form (<http://www.fda.gov/Safety/MedWatch/HowToReport/DownloadForms/default.htm>) or call 1-800-332-1088 to request a reporting form, then complete and return to the address on the pre-addressed form, or submit by fax to 1-800-FDA-0178

STATE NEWS

Nurse Aide Abuse Registry

Please note that the following individual has been placed on the Alabama Nurse Aide Abuse and/or Sanction Registry. This individual is 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 (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>
Gideon Wakthera	2/20/13

Medicaid News: Information Regarding the Medical Offset Program

Editor's Note: This article was provided by the Alabama Medicaid Agency.

Non-covered medical expenses are defined as those necessary medical or remedial care expenses, which are not covered under the State Plan and are not subject to payment by Medicare or any other third party health insurance including Medicare premiums, deductibles, and coinsurance for nursing home recipients. The Alabama Medicaid Agency will allow institutionalized recipients with a liability to retain funds from their available income to pay for incurred authorized non-covered expenses. The expenses submitted must qualify as a necessary non-covered medical expense and the allowed income deduction, if any, will be based on the lesser of the Medicaid rate, the Medicare rate, or reasonable and customary charges.

The expenses for non-covered medical services must have been incurred in a period which is no more than three months prior to the month of the new application or no more than six months in subsequent months of eligibility. The individual is not required to be Medicaid eligible during the three months prior to the month of current application for non-covered medical expenses to

be considered, however no payment will be made for any month in which the individual is under a transfer penalty.

Summary points:

- Must be a nursing home resident with a liability amount greater than zero
- The services must have incurred in the 3 months prior to the month on the new Medicaid applications or no more than 6 months in subsequent months of eligibility
- The offset request must be made by the recipient or authorize representative-there can be a representative for the offset only-the agency must have a Form 202
- Expenses must be unpaid-partial payments are allowable
- Offset request must be received by the Medicaid Agency within 6 months of the date of the award notice (new award cases) or no more than 6 months from the date of service in subsequent months of eligibility
- For non-incurred services, the recipient has 3 months from the medical approval date to obtain the services and 6 months from the date of service to provide the verification

ADPH Forming Coalitions for Emergency Preparedness

Recently, your facility should have received a letter from the Alabama Dept. of Public Health's Center for Emergency Preparedness asking you to join a Healthcare Coalition. Please complete and return the response form if you are interested in participating in your local coalition. The packet includes an information sheet defining the Healthcare Coalition and the benefits to your facility for becoming a member as well as contact information if you have questions.

ADPH: Reporting Abuse, Neglect and Misappropriation of Property

Editor's Note: The following article was provided by the Alabama Department of Public Health's Division of Health Care Facilities.

In an effort to save nursing facilities time and to accelerate the investigative review process, the Alabama Department of Public Health (ADPH) is requesting that specific information be included in the facility's five (5) day report. In particular, ADPH requires certain information pertaining to the named perpetrator in the reporting of abuse, neglect or misappropriation of property.

That information is as follows:

- The alleged perpetrator's full name
- Most current address known
- Social Security Number
- Date of birth
- Telephone number(s) (Note: If available, provide alternate telephone numbers such as their cell phone and the name and telephone number of the person designated to contact in case of an emergency.)
- Full name of witnesses with direct knowledge of the incident
- Most current address known
- Telephone number(s) (See note above)

Additionally, within the facility's investigation, the facility must provide a conclusion to their investigation. That conclusion should be specific to whether or not the facility was able to identify adequate proof that abuse, neglect or misappropriation of property occurred. For

example, in many cases, the behavior of the named perpetrator is accurately concluded to be inappropriate, unprofessional, rude and/or in violation of the facility's policies and procedures and standards of care. In these cases, the named perpetrator's behavior would not have risen to the level of abuse as is defined by CMS in the State Operations Manual.

By providing such information as requested, the facility will often prevent the loss of a substantial amount of time supplying that information by telephone. It will also reduce the time and expense incurred when that information is provided by mail or parcel service. This cooperative effort will help in preventing delays and will enable ADPH to better expedite the investigation review process.

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); 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 or (334) 293-5200.

FACILITY NEWS

Arbor Springs & Auburn University Conduct Pet Therapy Research



Arbor Springs Health & Rehab Center recently partnered with Auburn University's School of Nursing to study the effects of certified pet therapy dogs on the elderly and people with dementia and Alzheimer's. A total of 44 residents participated in the research project. Pictured is resident Mary Ellis and Auburn professor Dr. William Pope with one of the certified pet therapy dogs.

New Twist on National Nursing Home Week



The roots of National Nursing Home Week (NNHW) are a singular focus to honor the seniors and other residents served by the long term and post-acute care community. For 2013, this tradition recognizes that residents and families can play a vital role in care planning and its daily implementation.

That sentiment is spotlighted by our 2013 theme of “Team Care: Everyone Pitches In!”

Throughout the week of May 12–18, 2013, skilled nursing facilities across the nation will celebrate NNHW with open houses, tours welcoming VIPs and the community’s “friends of long term and post-acute care,” and special events for the residents, families, staff and others. The kick-off day for NNHW is Mother’s Day!

Team Care itself is meant to personify the many professionals and caregivers whose dedication and work ethic contributes to achieving care excellence and high levels of satisfaction. Families and the public may not realize the breadth of expertise Team Care brings to the bedside and throughout a resident’s day. Our “customers” may also not realize that they too can be active members of Team Care; to fully initialize a person-centered protocol their input is important.

Team Care should be on display at your facility by using special themed products that are available from the [AHCA Bookstore](#). Order soon as quantities are limited. More information is available at the dedicated web site www.nnhw.org and on [Facebook](#).

Let’s show the world class spirit of care communities across the nation this NNHW by reaching out to all friends of quality health care. We are all more effective with Team Care spirit humming along at full throttle as Everyone Pitches In!

National Nursing Home Week T-Shirts

Jones Sportswear is offering National Nursing Home Week t-shirts. *Please see the attached flyer from Jones Sportswear for more information.* NNHW begins on Mother’s Day, May 13 and lasts until May 19.

FOUNDATION NEWS

Two Facilities Join Senior Crimestoppers

Thanks to generous donations from area banks, two nursing homes joined the Senior Crimestoppers program this week. Andalusia Manor was sponsored by Woodforest National Bank, and Northway Health & Rehab in Birmingham was sponsored by Regions Bank.

The facilities will receive lock boxes for residents, entertaining videos, funds for the Wish Comes True program and a plaque to display showing the facility has a zero tolerance for crime. Senior Crimestoppers is a partnership between the Senior Housing Crime Prevention Foundation,

the Louis E. Cottrell, Jr. Foundation for Excellence in Long Term Care, local banks and nursing homes.



Pictured from left to right: Andalusia Manor Administrator Trece Mays, Andalusia Manor Owner and ANHA Board Member Sal.Lee Sasser-Williams and George Clinard with Senior Crimestoppers.



Pictured from left to right: Northway Health & Rehab Administrator Freddy Skelton and Corey Ransome with Regions Bank.

OTHER NEWS

Tube Feeding Article

Enclosed is an article regarding Tube Feeding vs. Assisted Oral Feeding. On page 4 of 7 the website www.med.unc.edu/pcare/resources/feedingoptions is referenced and materials are available at no charge to families and facilities. This is an educational video developed by the University of North Carolina – palliative care. In light of Advanced Directives and regulatory changes it was thought that this might prove to be beneficial to you.

Membership Assistance Requested

The American Health Care Association (AHCA) is conducting a nationwide nursing facility staffing survey, which will collect 2012 staffing data that will be used to estimate vacancy, retention and turnover rates of nursing facility employees. **Please take the time to complete and return the survey to AHCA by April 24, 2013.**

The goal of this survey is to provide statistics on retention and turnover for benchmarking and advocacy purposes at the national and state levels, and through LTC Trend Tracker - AHCA's free member-only quality and performance improvement tool, can be made available to participating facilities for internal tracking and benchmarking purposes. Please note that individual peer information will not be disclosed to any party, but is made available in aggregate form for benchmarking purposes. For more information, check out LTC Trend Tracker or the latest staffing report on the AHCA website.

Nursing facilities can participate in AHCA's Nursing Facility Staffing Survey (2012) in one of two ways:

1. *Individual facilities* may download the survey ([PDF](#) format, 120 KB, [Excel](#) format 56 KB) from http://www.ahcancal.org/research_data/staffing/Pages/default.aspx, then complete and return the survey to AHCA 2012 Nursing Facility Vacancy Survey, American Health Care Association, 1201 L Street, NW, Washington, DC, 20005, scan and email the survey to research@ahca.org, or fax the completed survey to 202-454-1299.
2. *Multi-facility organizations* may download the survey ([Excel](#) format, 180 KB) from http://www.ahcancal.org/research_data/staffing/Pages/default.aspx, and email the completed survey to AHCA at research@ahca.org.

Please email research@ahca.org with any question, or call Jeffrey Liu at (202) 898-2818 or Lisa Matthews-Martin at (202) 898-2824. Thank you in advance for your assistance and your support.

ARRTC Administrative Session: April 16-17

The National Center for Disaster Medical Response, University of South Alabama Center for Strategic Health Innovation (NCDMR/CSHI) would like to invite you to participate in a two day Emergency Preparedness Workshop. This program is a result of a cooperative effort between NCDMR/CSHI and the Alabama Department of Public Health Center for Emergency Preparedness.

The focus of ARRTC Administrative will target issues and concerns specifically important to Chief and Administrative personnel of health care facilities in Alabama responsible for leadership and guidance during emergencies and disasters. Our goal is to provide an environment for knowledge exchange, a forum for discussion of lessons learned, and an opportunity for participants to have an interactive conversation about specific emergency management issues identified from recent disaster responses. *Please read the attached Course Brochure for registration information.*

CALENDAR OF EVENTS

<u><i>Date</i></u>	<u><i>Event</i></u>	<u><i>Location</i></u>	<u><i>Time</i></u>
April 11	ARRTC Road Show Disaster Training	Westin Hotel Huntsville	8:00 am
April 17	ANHA Region II Act/SS Auxiliary Meeting RSVP: Mary Anne Parsons (256) 599-4895 Speaker Topic: 10 Ways to Connect with People	Catfish Cabin Albertville	11:00 a.m.
April 17	ANHA Region VIII Meeting RSVP: Sal.Lee Sasser-Williams (334) 222-2133 sallee@andalusiamanor.org	Enterprise Health & Rehab Enterprise	3:00 p.m.

April 25	ANHA Region III Meeting RSVP: Kevin Ball (205) 788-6330 kball@ballhealth.com Guest Speaker from Alabama Medicaid Agency	Kirkwood by the River Birmingham	12:00 p.m.
April 29- May 2	ANHA Mid-Year Convention	Perdido Beach Resort Orange Beach	
April 30	ARRTC Road Show Disaster Training	Perdido Road Show Orange Beach	1:00 pm

Alabama Nursing Home Association

4156 Carmichael Road ♦ Montgomery, AL 36106 ♦ PH: (334) 271-6214 ♦ FAX: (334) 244-6509

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>