

Direct Connect

Legislative Roundup - 107th Congress

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Beyond Medicare payment changes enacted by the 107th Congress, there were no notable laws passed this Congress relating to survey and certification, or quality of care in nursing homes. However, there were many bills introduced on a variety of nursing home topics such as: staffing, reform of the survey process, criminal background checks, resident abuse, and Medicaid payment. Two nursing home-related provisions made their way into major provider giveback bills, namely: provisions relating to nurse staffing data (S. 3018) and expedited appeals for immediate remedies (H.R. 4954). These provisions are described in more detail below.

It is hard to predict what the 108th Congress will take up. Those Members of Congress who introduced bills in the 107th Congress (and earlier) and remain in office for the 108th Congress will likely re-introduce their bills, or introduce revised or new bills dealing with the topics mentioned above. We'd expect to see bills from Rep. Waxman on Medicaid payment (reinstating Boren amendment), minimum staffing levels and mandatory criminal background checks, and Senator Kohl on resident abuse prevention. Senator Grassley will be Chairman of the Senate Finance Committee and Senator Craig will be Chairman of the Special Committee on Aging. Senator Grassley has historically had a

strong interest in nursing home issues, especially enforcement, survey & certification, staffing, and quality. We presume he will continue to closely watch CMS's efforts in these areas. Staffing levels and staffing data will also likely be addressed in the 108th Congress. Here are some of the nursing home-related provisions introduced during the 107th Congress:

- **Nurse staffing data and quality measure** - S. 3018 (provider giveback bill) included provisions that would require nursing homes to submit nurse staffing data directly to CMS and for CMS to publish these data on its web site. Further, the Department would have to develop a nurse staffing "quality" measure and post it on Nursing Home Compare along with the other quality measures implemented with the Nursing Home Quality Initiative.
- **Minimum staffing ratios** - H.R. 4715 (Waxman, D-CA) requires the Department to implement minimum staffing ratios
- **Medicaid payment** - H.R. 4715 (Waxman, D-CA) would reinstate the Boren amendment and increase FMAP by 1.5%. H.R. 3565 (Barrett, D-WI) would increase FMAP by 10% for
- **Reform of survey and certification process and/or appeals** - H.R. 4954 (major House provider giveback bill) would allow for expedited appeals for immediate remedies such as termination and denial of payment. H.R. 4030 (Camp, R-MI) would allow the Department to waive survey & cert process to test innovative programs, revise law on disapproval of NATCEP, require States to implement an independent IDR, and allow nursing homes to appeal scope & severity. Commerce Democratic staff were also tinkering with the NATCEP disapproval issue to better link disapproval with deficiencies relating to nurse aide care.
- **Mandatory criminal background checks** - S. 3091 (Kohl, D-WI) requires criminal background checks on all workers in nursing homes and expands the abuse registry to include workers other than nurse aides.

By Jessica Kasten,
Office of Legislation



Arkansas Health Care Association and the Nursing Home Quality

The Arkansas Health Care Association, a trade organization for nursing homes in the state of Arkansas, is implementing a "Report Card" for Arkansas nursing homes as a response to CMS' Nursing Home Quality Initiative. The report card is the brainchild of Randy Wyatt, executive director of AHCA (Arkansas Health Care Association). It includes several components: a measurement of quality indicators similar to the quality measures released by CMS, a consumer satisfaction survey (from families and residents), an employee satisfaction survey, and a financial viability evaluation of each facility. In addition, AHCA will offer the services of consultants to improve identified weaknesses for each

participating facility with updates to the report card monthly. These services will cost each nursing facility approximately \$135 per month. AHCA plans release of the "Report Card" to coincide with the NHQI National Rollout.

As a result of these efforts, AHCA has given rather lukewarm support to the NHQI project. This has created an extra challenge for the Arkansas Foundation for Medical Care, the State's quality improvement organization. Despite efforts of inclusion by the QIO as a vital partner for the quality initiative, AHCA remains less than supportive. The QIO is going across the State informing nursing homes of what the Quality Initiative is and encouraging participation. AHCA is selling the "Report Card" as a

better alternative. According to Mr. Wyatt, quoting from the Arkansas Democratic Gazette: "Ours is a little more extensive. We are not always on the same wavelength as the Centers for Medicare and Medicaid." This same article stated that the American Health Care Association was supportive of the NHQI. So, we were pleased that an article printed the day after the rollout quoted Mr. Wyatt as being supportive of the NHQI.

By Theresa Bennett, Region VI



FY'2002 State Performance Standards

After some debate, the template for the FY'2002 State Performance Standards have been released. The purpose of the template is to have all regions have a consistent format for reporting to their prospective States.

The template should be completed, as much as possible, by December 15 so we can take a quick look at results to ensure their aren't any tremendous outliers when the reports go to the State. As you may recall last year we had some situations where Regions gave results to States and then had to resend them because some formula was being calculated uniformly.

The supporting documentation is

not required by December 15. At this point, we're not sure whether the supporting documentation can remain in the region or sent into central office later on.

Once there has been a quick review by central office, we will give you to go ahead to send the reports out to your States.

Below is a timeline:

December 15—to Central Office

December 30—Word to the RO to send out the reports to their States

January 6, 2003—Regions send out reports to States

January 31—States respond to RO; state any differences they may have with the report.

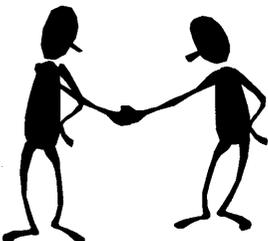
February 28—Regions give Final Report out to States & Central Office

March 31—Final Report drafted for RO comment and internal clearance.

Questions?

Linda Smith 410-786-5650

Seattle Regional Office Hosts State Agency Directors



On November 13 and 14, the Seattle Regional Office Survey Quality and Standards Branch (SQSB) hosted its semi-annual Regional Office/State Agency (ROSA) meeting. The ROSA is an opportunity for SQSB staff and Region 10 State Survey Agency directors to exchange information, discuss our work, and strengthen our partnerships.

Dating back to the 1980's, the ROSA has changed somewhat in structure, location, and frequency, but the principle remains the same: that regular working meetings with our partners are essential. The modern ROSA takes place over a day and a half and is generally held in the Region 10 offices. During the

spring session, we also host Long Term Care (LTC) provider associations. This "LTC Session" affords us an invaluable opportunity to meet directly with association representatives, and to listen to their concerns. Our core participants remain, however, survey and certification staff and state agency directors.

Our most recent ROSA included SQSB staff and managers, as well as a special guest from the San Francisco Regional Office. Caroline Krewson, newly appointed ARA in Region 9, was on hand for both days of our meeting. The agenda (always a compilation of topics from both RO staff and the SA directors) included topics such Federal Survey Scheduling, ACTS Up-

date, State Agency Performance Standards, OASIS Burden Reduction, and the Nursing Home Quality Initiative.

Our next ROSA will be held in the spring of 2003.

Submitted by: Heather Lang

Steve Pelovitz Hosts First Chat on Direct Connect—November 25th



Steve Pelovitz hosted our first live chat on November 25 at 2 pm est. The chat was part of the Direct Connect Communities of Practice that the Survey and Certification Group kicked off on October 11th.

The topic for the chat was the State Survey and Certification budget and State survey workload. Eight of the ten regions participated in the chat and folks from the Baltimore crew as well.

The chat lasted approximately an hour and concluded with remarks from Steve Pelovitz about exploring further what data we need to help make decisions on the impact of the budget on survey workload.

If you missed the live chat, you may

still view the transcript through the library of "Direct Connect". From the main page, point to library, then point to the topic of 'chat'. You'll see a paper clip, designating an attachment. You can either view or print a copy from there.

We hope to have a chat once a month. Topics and ideas for future guests are welcome. Please send your comments and suggestions to Mirdza Fernandez or DuVa Clyburn.

DIVISION OF NURSING HOMES

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Have You Heard The News?

**Survey & Cert
Letters on the
Web—www.cms.gov**

Recent Survey & Certification Letters Related to Nursing Homes

S&C-03-04: Interim Guidance to Support National Pilot of the ASP N Complaints/Incidents Tracking System (ACTS)—November 14, 2002

Appendix N is being updated! Yes it is true. A panel of experts in geriatric medicine, nursing, pharmacology along with state and regional office surveyors will join the panel to revise and update Appendix N. This important event will occur December 16-20, 2003 in central office. As you are aware, part one of Appendix N provides guidance to surveyors when assessing compliance with the drug regimen review requirement at tag F429. Part two of Appendix N pro-

vides guidance to surveyors when performing a medication pass observation, which is necessary to determine the medication error rate at tag F332.

Your comments are welcome as we prepare for the panel meeting. Please provide your comments on the nursing home forum's bulletin board on the thread entitled Appendix N of the "Communities of Practice: Direct Connect".

By Rosalind Abankwah

Highlights & Upcoming Events

November Highlights

- **NHQI Rollout**—November 13
- **Seattle RO/SA Meeting**
November 13-14.
- **Denver RO/SA Meeting**
November 19, 20, and 21, 2002

December

- **Survey & Certification Group Call**
—December 4
—December 18
- **G-5 Meeting in Baltimore**—
December 11-12
- **Division of Nursing Home Retreat** — December 12
- **NHQI Satellite Broadcast** —
December 13
- **FY'2002 State Performance Standards to CO**—
December 15

January

- **First Report to States on Performance standards**—
January 6

Web Address

<http://www.cms.hhs.gov/medicaid/ltcsp/ltcmemos.asp>


**Survey & Certification
Group, CMSO**

**Seasons
Greetings** 