

Loeb & Troper's Clinical Corner

Updates on Timely Clinical Topics

May 2009

Welcome to Loeb & Troper's Clinical Corner. Here we will update you on timely clinical topics related to residential and community services. Please feel free to contact us with questions or comments.

Medicaid Reimbursement Update

Keep in mind, your July 29, 2009 Minimum Data Set (MDS) submission to DOH will be used for your case mix index (CMI) adjustment from July 1, 2009, through March 31, 2010. MDS assessments completed between the end of April through July 29, 2009, will be selected to calculate this CMI. Ensure all your systems are in place for accurate MDS completion and, therefore, an appropriate CMI calculation.

***Note:** All facilities will be required to re-upload their January 28, 2009 census data between June 10 and June 24 (see the Dear Administrator letter dated May 21, 2009, for details). This provides facilities with a final opportunity to submit missing or corrected data from their January 28, 2009 upload, until June 5, 2009.

Five-Star Rating

Review your Five-Star rating frequently. The Center for Medicare/Medicaid Services (CMS) site is updated often, and your star rating can change even though your specific facility information has not changed. The rating system is based on your survey performance and quality measure percentages relative to all other facilities within the state.

Facilities should be actively involved in maintaining or improving their ratings, including but not limited to ongoing survey preparation, quality indicator, quality measure reviews, and developing and implementing action plans as needed for identified issues.

Regulatory Issues

On April 10, 2009, CMS released the Revised Quality of Care Guidelines for F 309, including:

- ◆ A new investigative protocol for Quality of Care.
- ◆ Major new guidance and investigative protocol for Pain Management.
- ◆ Hospice Care and Dialysis Services Review moved to F 309.

In addition, the Demand Bill survey procedure was updated and moved to Sub-Task 5C. It is now known as Liability Notices and Beneficiary Appeals Rights. It is important to:

- ◆ Review these revised guidelines carefully.
- ◆ Ensure that system revisions were developed and implemented as necessary.
- ◆ Ensure that in-service was provided to all relevant staff.

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Additionally, CMS published an advance copy of further revisions in F tag Guidance to Surveyors, which will go into effect on June 17, 2009, including:

- ◆ Guideline revisions at several F tags concerning residents' rights, quality of life, dietary services and environment:
 - F 172** — 24-hour visitation extended to non-relative visitors.
 - F 241** — Enhanced descriptions of maintaining residents' dignity.
 - F 242** — Enhanced descriptions of choice, including scheduling meals, baths, roommate and bedtime.
 - F 246** — Enhanced descriptions and examples of accommodating residents' needs.
 - F 247** — Emphasis on the need to be sensitive to residents' needs regarding room change or change in roommate.
 - F 252** — Strong emphasis on homelike environment.
 - F 256** — Enhanced descriptions of adequate lighting.
 - F 371** — Clarification of residents' right to accept food brought in by visitors.
 - F 461** — Life Safety Code (LSC) updates and enhanced description of closet space, including the ability of resident to access racks and shelves.
 - F 463** — Language added to address homes with wireless systems.

Loeb & Troper recommends that:

- ◆ These revised guidelines be reviewed carefully and shared with all involved staff, including housekeeping, maintenance, dietary and recreation.
- ◆ Systems changes be developed and implemented as needed.
- ◆ In-service be provided to all involved staff.
- ◆ An action plan to monitor compliance be developed and implemented.

If you have questions or would like further information, please contact:

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