

Nursing & Assisted Living Facility Professional

“NEWS AND VIEWS YOU CAN REALLY USE”

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SENT EACH MONTH TO YOU AS A MEMBER OF THE HEALTHCARE HEROES

THE HAT ADVANTAGE by Rebecca Adelman WHAT'S IN STORE FOR 2015? - ASK THE OIG



Last year at this time, I reported on the U.S. Department of Health & Human Services Office of Inspector General (OIG) 2014 work plan and the nursing home related initiatives outlined in that work plan. There were five areas of

focus including questionable billing patterns for Part B services; state agency verification of deficiency corrections; procedures and costs for national background checks; hospitalizations of nursing home residents for preventable conditions; and Medicare part A billing for skilled nursing facilities. The OIG 2014 work plan also included review of hospice services to Medicare beneficiaries in assisted living facilities.

Last month's HAT Advantage reported on the OIG's study evaluating reports of allegations of abuse or neglect of nursing home facilities. This month, we will address the 2015 OIG work plan released on October 31, 2014. The OIG is committed in its investigations and enforcement to increase monetary recoveries, create financial savings, and create more exclusions from participation in federal health care programs. It is critical that healthcare providers continue to be proactive in formulating, developing, and maintaining effective compliance programs.

The OIG strategic plan 2014-2018 has as the stated goals: fight fraud, waste and abuse; promote quality, safety, and values; secure the future; and advance excellence in innovation.

To that end, the enforcement priority and issues for skilled nursing facilities in 2015 are:

1. *Medicare part A billing:* The OIG's main focus and concerns are on the high levels of therapy services provided in the skilled setting;
2. *Part B services during nursing home stays:* Questionable billing patterns associated with nursing home and Medicare providers for Part B services continue to be evaluated and OIG studies and reports are expected;

3. *State agency verification of deficiency corrections:* State survey agencies did not always verify plans of corrections for deficiencies identified during surveys and more scrutiny will be placed on state survey agencies;
4. *Program for national background checks for LTC employees:* The cost of conducting background checks for prospective direct patient access employees pursuant to the Affordable Care Act will be reviewed; and
5. *Preventable hospitalizations of nursing home residents:* There will be continued evaluation of the extent to which Medicare beneficiaries residing in nursing homes are hospitalized as a result of conditions thought to be manageable in nursing home setting will be a focus. (See Issue 4, Vol. 4 Nursing and Assisted Living *Professional*, April 2014).

Hospice – Continuing Initiatives

Continuing initiatives by the OIG in 2015 for hospices and assisted living facilities are:

1. *Hospices and assisted living facilities:* The OIG will continue examining how hospices serve Medicare beneficiaries residing in assisted living facilities including length of stay and level of care received and common terminal illnesses;
2. *Hospice general inpatient care:* The OIG will assess the use of hospice general inpatient care reviewing medical records, claims and hospice election statements to determine the appropriateness of hospice general inpatient.

Home Health Services – Continuing Initiatives

Continuing initiatives by the OIG in 2015 for home health services are:

1. *Home health prospective payment system requirements:* In light of questionable billing practices and improper payments and fraud since 2010 in the

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Pathway to Rehabilitation Excellence

By Gina Tomcsik
Director of Compliance
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IT'S A WONDERFUL TIME OF THE YEAR?

Do you know what will be happening from January 1 through March 31st in 2015? Since the RAC Manual Medical Reviews have resumed for those claims over the threshold, we will begin seeing RAC Manual Medical Reviews on a post-payment basis emerging in February, for all claims that exceeded the \$3,700 threshold for PT/ST and \$3,700 threshold for OT.

What Should You Do To Prepare?

Review your Part B management reports to see where your patients are with their Part B cap/threshold benefit. It is that time of the year where those who we care for may be running out of their benefit or may have already run out of their Part B dollars.

Documentation should always support that the skills of a therapist are vital to treat the patient's medical condition/diagnosis and show medical necessity that the therapy interventions are necessary.

Justification for continuing therapy is necessary in our documentation and making sure the reviewer has a clear picture of why the patient has exceeded \$3,700 is critical. Make sure you include specifics about the medical episode, things like complications, multiple related complications, and multiple unrelated complications. Talk about the co-morbidities affecting the treatment progression and participation as well as the potential patient risks of not providing the intervention.

Prepare your facility denial team to be on the lookout for ADRs. Be on your game and submit all necessary therapy supportive documentation and billing at the very beginning of the review to decrease your risk of denials.

For more information, please contact Gina Tomcsik, Director Compliance Functional Pathways at gtomcsik@fprehab.com or call 865-531-2204. You may also discover more at www.functionalpathways.com

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home health context, the OIG plans to evaluate home health care claims and their compliance with federal laws and regulations;

2. *Employment of individuals with criminal convictions:* The OIG continues examining how often home health agencies employ individuals with criminal convictions.

As the OIG expands its work regarding changes to Medicare programs consistent with its stated goals, it is recommended that providers review the OIG work plan and strategic plan 2014-2018 and identify compliance risk areas for your organizations. We welcome questions on updates to compliance plans in accordance with the OIG's report.

Rebecca Adelman, Esq. – Ms. Adelman, PLLC is a shareholder of Hagwood Adelman Tipton and practices in the Memphis, Tennessee office. For over 20 years, Rebecca has concentrated her practice in healthcare law, long-term care assisted living and medical malpractice defense litigation. Her expertise and her scope of practice involve all insurance defense litigation areas including premises and product liability as well as employment law. Please feel free to contact her at radelman@hatlawfirm.com.

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The Customer Service Mindset

By Rob Anderson

Employees That Communicate Better Stay Together

Part 2 of a 3-part series on Customer Service in Long Term Care

The difficulties you face keeping residents and their families happy are only part of your daily customer service challenge.

Your front line staff members spend as much time working with each other as they do with residents. And quite likely there are as many issues that arise among themselves as with those they care for.

Susan is a SNF administrator in Michigan. With a staff of nearly 150 and significant turnover she had been struggling to provide basic customer service training due to time constraints, other training priorities and the high cost of contracting with training vendors.

Susan recognized there was an urgent need to improve customer service skills for at least one reason: reducing the time she spent refereeing arguments between employees. More importantly, she was determined to improve the quality of care her residents received which should also increase resident satisfaction scores on the annual survey.

Susan and her managers began delivering customer service training in 15-30 minute segments. Some of the learning modules included "Listening Skills" and "Conflict Management".

The training tools she used were easily understood so a manager could deliver lessons without extensive preparation. The learning materials could also be given to staff members to work on alone or in groups. In addition, the materials included quizzes, role plays and other exercises to help employees absorb what they had learned.

The results: within 30 days staff members were consistently applying the knowledge they had acquired to work through their difficulties, most of which were simple miscommunications. After a year of routinely delivering the short customer service lessons, resident satisfaction is up while staff turnover has declined.

Chalk up one more benefit: Susan now spends less time playing referee.

Next month – Part 3: Requirements for Delivering Impactful Customer Service Training.

Rob Anderson works with skilled nursing and assisted living facilities throughout the U.S. to develop and implement customer service training programs. If you have any questions or comments please e-mail info@extendedcareproducts.com or call 1-800-807-4553.



KESSLER'S CORNER

by Chip Kessler

"Following Through"

The recent loss by the Seattle Seahawks to the New England

Patriots in the Super Bowl got me to thinking about a character trait exhibited from the large majority of folks who work in our nation's nursing and assisted living facilities.

To briefly recap, the Seahawks drove down the field in the game's final moments and got one yard away from scoring the game winning touchdown to repeat as champions. They didn't make it. Instead a pass into the end zone was intercepted by New England, sealing the victory for them in the closing seconds.

Many folks, after the game, debated whether or not it was smart to have thrown a pass rather than try a running play so close to the goal line. I'm not here to present one argument over the other. I'm here to say that for whatever reason, the Seattle Seahawks didn't follow through and get the job done.

That's quite the opposite from assisted living and nursing facility staff members. Everyday, these folks get close to the goal line and successfully complete the task at hand on behalf of the residents and families they serve.

No these healthcare professionals don't get to enjoy the cheers and applause that the professional ballplayers receive. Hopefully they (you) get a nice compliment from residents and families from time-to-time. However as we all realize, you aren't in this job for the applause; rather you do it because you have a higher calling to help others. And in the case of those residing in our nursing homes, and in certain situations, assisted living facilities, it's helping people that can no longer entirely help themselves.

For this you get a tip of my cap for "following through!"

Chip Kessler is General Manager of Extended Care Products, Inc. He has created over 20 programs concentrating on marketing/census building, customer services, crisis communications/risk management, media training for nursing and assisted living facilities, plus he provides personal consulting services for nursing and assisted living facilities nationwide. Discover more at www.extendedcareproducts.com and assisted living communities may also visit www.AssistedAdvantage.com

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