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FRIDAY, APRIL 10, 2009 HEADLINES:

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“THAT didn’t happen at the hospital, it happened at the SNF” – How many times have you heard this? How does your facility handle a hospital blaming it for a condition that occurred at the hospital? As of October 1, 2008 CMS initiated changes in the Medicare reimbursement system for conditions which they label as “hospital acquired conditions due to complications associated with poor nursing care that should never happen in an acute care setting.” If one of these conditions occurs, the hospital will not receive reimbursement for any treatment rendered without significant physician documentation determining the condition occurred outside of the hospital. How does this affect facilities? Several of the conditions in question such as pressure sores, falls with trauma, and infections related to catheters occur frequently in the LTC environment. This new regulation could lead to blaming between the hospital and LTC facility. Plan to attend **“Managing Risk in the LTC Environment in Light of Medicare Hospital Regulatory Changes”** to learn how to protect your facility from hospital blame. “Managing Risk in the LTC in Light of Medicare Hospital Regulatory Changes” will teach you how to deal with this new regulation and develop an action plan to turn the negatives of the regulations into positives.

Dates and locations are:

- **Cleveland – Tuesday, April 21**
Holiday Inn Independence
6001 Rockside Road
Independence, Ohio 44131
- **Columbus – Tuesday, April 28**
Confluence Park Restaurant
679 W. Spring Street
Columbus, Ohio 43215
- **Cincinnati – Thursday, April 30**
Kings Island Resort
5691 Kings Island Dr.
Mason, Ohio 45040

“Managing Risk in the LTC in Light of Medicare Hospital Regulatory Changes” will be held from 10 a.m. to 3 p.m. and has been approved for four (4) hours of CEU. Academy members may attend this program for \$89 and non-members may attend for \$129. A member facility may send three employees for the discounted price of \$199, a savings of \$68! Watch your fax for more information or you can register online at <http://www.oanh.org/educationalofferings.shtml>. For questions, contact [Dawn Kennedy](#). ([Back to top](#)).

Participation in PAC Golf Outing = Recognition by Academy members –

Whether your company sends a foursome, sponsors a hole or donates a prize, participating in the sixth annual Academy Political Action Committee (PAC) Golf Outing is a great way to get recognized by Academy members. The OANH PAC Golf Outing is a member favorite and will take place on Monday, May 18 at the private Medallion Club in Westerville, Ohio. Registration and lunch will begin at 11:30 a.m. with a shotgun start at 1 p.m. After a challenging game of golf, attendees will stay at the course for food, drinks and prizes at the “19th Hole” reception. Prices are \$250 per golfer or \$950 per foursome. Registration brochures have been mailed and you can also view the brochure at www.oanh.org. For more information and to discuss sponsorship opportunities, contact [Dawn Kennedy](#). ([Back to top](#)).

DQA 2009 Quality Forum presentations available – Presentation material from the Ohio Department of Health, Division of Quality Assurance (DQA) 2009 Quality Forums is available for download by [clicking here](#). ([Back to top](#)).

BWC Board of Directors to hold public forum on claims issues – The BWC Board of Directors will host a public forum on the claims-management system. The forum will take place from 9:30 to 11:30 a.m. on April 29 in the William Green Building auditorium, located at 30 West Spring Street in Columbus. Participants can provide their insights on enhancing the claims-management system and discussion will center on shifting the model from disability management to disability prevention. To register for the forum, please [click here](#). ([Back to top](#)).

CMS approves state plan amendment for capital compensation – CMS recently approved the Medicaid state plan amendment that will allow the Ohio Department of Job and Family Services to adjust a SNF provider's rate if they have qualified for the capital compensation program. The capital compensation program was created to allow the adjustment of capital rates for providers who began capital projects prior to the switch to pricing and did not have their rates already adjusted for the project. ODJFS is currently determining how best to make the rate change for prospective payments. ODJFS will then determine the retroactive payment after the claims with the new rate have been paid to ensure any missed payments during the transition will be captured in the retroactive calculation. For more information, please contact [Chris Murray](#). ([Back to top](#)).

Update from CMS – The Centers for Medicare & Medicaid Services (CMS) recently issued the following information of interest to long-term care providers:

- **Survey & Certification Memos**

- [09-30: Survey and Certification Issues Related to North Dakota Flooding \(3/27/09\)](#)

On Monday, March 30, this memo was updated to include information about the Minnesota flooding. [The Qs and As were modified accordingly](#). Additional information about Midwest flooding emergency activities, including the North Dakota and Minnesota public health emergency declaration and the 1135 waiver, are available at the CMS Emergency website http://www.cms.hhs.gov/Emergency/12_StormFlood.asp#TopOfPage. Information regarding survey and certification emergency preparedness issues, including helpful resources and tools, and the North Dakota and Minnesota Flooding Emergency Provider Survey and Certification Questions and Answers, are available on the Resource Page of the S&C Emergency Preparedness website, which can be accessed at <http://www.cms.hhs.gov/SurveyCertEmergPrep/>.

- **New Article**

An article titled "Rehospitalizations among Patients in the Medicare Fee-for-Service Program" was published in [The New England Journal of Medicine](#) April 2, 2009 (vol 360(14):1418-1428). The authors analyzed Medicare claims data from October 1, 2003 through December 31, 2004 for 11,855,702 Medicare beneficiaries who were discharged from the hospital. Of those beneficiaries, 19.6% were rehospitalized within 30 days and 34.0% were rehospitalized within 90 days. The authors estimate that the cost to Medicare of unplanned hospitalizations in 2004 was \$17.4 billion. The authors concluded that rehospitalizations among Medicare beneficiaries are prevalent and costly. There is also an editorial by Dr. Arnold Epstein titled "Revisiting Readmissions - Changing the Incentives for Shared Accountability." The article can be found at: <http://content.nejm.org/cgi/content/full/360/14/1418> and the editorial can be found at: <http://content.nejm.org/cgi/content/short/360/14/1457>.

- **CMS Quality Initiatives**

Region V recently became aware of the release of a CMS document titled [Roadmap for Implementing](#)

[Value Driven Healthcare in the Traditional Medicare Fee-for-Service Program](#) (not dated). This document describes CMS' vision for achieving value for Medicare. It contains an inventory and status of key projects, programs and demonstrations that currently support the effort to implement the vision by transforming CMS from a passive payer of services into an active purchaser of higher quality, affordable care. This involves a shift away from paying providers based solely on their volume of services. The catalyst for such change would be grounded in the creation of appropriate incentives encouraging all healthcare providers to deliver higher quality care at lower total costs. This is the underlying principle of value-based purchasing (VBP). The cornerstones of VBP are the development of a broad array of consensus-based clinical measures, effective resource utilization measurement, and payment system redesign. (This description is mostly directly from the Introduction section of the document.) The 31-page document can be accessed at http://cms.hhs.gov/QualityInitiativesGenInfo/downloads/VBPRoadmap_OEA_1-16_508.pdf.

- **FDA Medwatch**

Three recall notices have been issued. Region VII forwarded the notice regarding the recall of pistachio products sold by Setton Pistachio of Terra Bella Inc due to Salmonella contamination <http://www.fda.gov/bbs/topics/NEWS/2009/NEW01982.html>. Another is a consumer level recall notice related to Caraco Pharmaceutical Laboratories brand Digoxin, found at <http://www.fda.gov/medwatch/safety/2009/safety09.htm#Digoxin>. The last recall notice is for Tri-State Hospital Supply Corporation's multiple type Centurion Brand disposable trays and kits used for insertion of tubes, catheters and ports, found at <http://www.fda.gov/medwatch/safety/2009/safety09.htm#Centurion>. ([Back to top](#)).

Senator's opposition to card check could further imperil legislation – Sen. Blanche Lincoln (D-AR) added her dissenting voice to the card check debate this week, saying she would not support the Employee Free Choice Act in its current form. It is a move some say could spell the end of the bill. Lincoln reportedly told the Little Rock Political Animals Club Monday that she "cannot support and will not support moving [the Employee Free Choice Act] forward in its current form." On March 24, Arlen Specter (R-PA), who many thought would support the legislation and help give Democrats the 60 votes they needed to pass the bill, also said he would not support the measure. (*McKnight's*, 3/26) Now, with Lincoln opposing the current union card-check legislation, some political insiders are calling the act dead. But while business leaders and Republicans would be happy to see the card-check issue go away, labor leaders remain optimistic about reform. Eddie Vale, spokesman for the AFL-CIO labor union, said his group is "confident that major labor law reform is going to pass in 2009," reports [Politico.com](http://www.politico.com). (Source: McKnight's Long-Term Care News & Assisted Living, 4/08/09, www.mcknights.com) **On a related note**, Ohioans to Protect Jobs' website is up and running, providing information to help you understand the serious threat card check presents. It will also help equip you and your organization to inform your employees and other business associates concerning this proposal. Brochures, posters, bumper stickers and fact sheets are available for download on the website. Congress is on recess for the next couple of weeks, so now is an opportune time to contact your representative while he or she is back in their district. Published reports indicate that organized labor is making a major push during the Congressional recess. Visit www.ohioanstoprotectjobs.com for more information. ([Back to top](#)).

Mark your calendars to learn the definition of abuse & neglect – Mark May 18 on your calendar to learn what defines abuse and neglect, when reporting is required and how to protect your facility from a lawsuit. On Thursday, May 18 from 10 a.m. to 3 p.m. in Columbus, the Academy will be offering a new regional education program "**Definitions of Abuse & Neglect.**" This course will be taught by former ODH criminal investigator Robert Reed of the Critical Incident Group, and has been approved for four (4) hours of CEU from BENHA. Academy members may attend this program for \$89 and non-members may attend for \$129. A member facility may send three employees for the discounted price of \$199, a savings of \$68! Watch your fax for more information or you can register online at <http://www.oanh.org/educationalofferings.shtml>. For questions, contact [Dawn Kennedy](#). ([Back to top](#)).

An ad in the directory will let everyone know who you are and what you do – The OANH Membership Directory is a valuable resource to industry leaders, as it contains information on all Academy members and pertinent legislative contacts. Get your ad in front of these decision-makers and everyone will know who you are, what you do, and how you serve the long-term care profession. Be creative and highlight your products and services and show that your company supports the Academy! To reserve your ad, go to <http://www.oanh.org/bus-dev.pdf>. **The deadline for**

advertisements is May 1. Ads received after this date may not be published. Burgie MediaFusion will publish the new directory. ([Back to top](#)).

We give you *The Academy Advocate*, NOW is the time to take advantage! – Whether you're placing an ad or submitting an article, NOW is the time to take advantage of the opportunities presented in *The Academy Advocate*. With a brand new look and design, the upcoming summer issue will be of even more benefit to members than ever before! There are two ways to garner attention in the Advocate: **1) Place an ad** and advertisers will gain a marketing edge over companies that do not advertise. Each ad will be highly visible to decision-makers in the long-term care industry, and your company will earn immediate attention. To place an ad, email it to [Christina O'Neal](#) in a PDF or JPG format. Go to <http://www.oanh.org/bus-dev.pdf> to view all ad prices and specs. **2) Write an article** (not an op-ed or sales pitch) and share your information and knowledge to others in the profession. Be recognized among your peers and get some "face time" with your headshot prominently displayed with your article! Anyone can submit an article—associate members, administrators, DONs, admission directors, activity directors, etc. To contribute an informational article for consideration, you must sign the [article release form](#) and email a professional headshot of the author to [Christina O'Neal](#). All ads and articles are due no later than Monday, June 1. The editorial staff cannot guarantee that an ad or article received after this date or due to space will be published. Burgie MediaFusion will publish the magazine. ([Back to top](#)).

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