



Helping innovative long-term care professionals provide quality health care to Ohioans.

## OANH Premier Partners



Become a Premier Partner!



## FRIDAY, JUNE 24, 2011 HEADLINES:

[Cuts to nursing home rates appear to remain mostly intact](#)

[ICFs may have cut restored, reimbursement rates set using two formulas](#)

[The Academy Advocate on its way](#)

[Neace Lukens Insurance and Risk Management protects you and your business](#)

[Update from CMS](#)

[Get CEUs for your July 1 renewal without leaving your office](#)

[MITS update](#)

[Ohio court ruling may provide path to unending lawsuits for physicians](#)

[California LANE offers free webinar on consistent assignment](#)

[Mental incapacitation not a factor in signing nursing home arbitration agreement, court rules](#)

**Cuts to nursing home rates appear to remain mostly intact** – Leadership from the House, Senate, and Governor's Office appear to have agreed to leave the executive proposed \$470 million cuts mostly intact. To clarify yesterday's [Member Update](#), an additional \$30 million general revenue fund dollars are expected to be allocated to nursing homes, reducing the rate cut from about 7.3% to 6.0%. How the additional dollars are to be spent is still under discussion and should be finalized before conference committee votes today or this weekend. Floor votes on the budget bill are expected next week. While the budget bill is expected to contain regulatory relief, it will not be enough to offset the drastic cuts to rates and reduce the potential risk to resident health and safety. More information on the budget outcome will be provided once details become available. Please contact [Chris Murray](#) with questions. ([Back to top](#)).

**ICFs may have cut restored, reimbursement rates set using two formulas** – Intermediate care facilities for the mentally retarded will likely see the 1% rate reduction restored. Furthermore, a blend of two reimbursement formulas will be used to establish rates as a compromise between providers and the administration. The administration proposed a 6.02% mean rate reduction to be applied to all providers. Provider associations argued that the rollback punishes efficient providers that keep costs down and proposed an alternative that reduced the ceilings, efficiency factors, and inflation factors. The administration contended that not using the rollback would result in significant cuts to providers who serve those with high care needs and thus higher costs. The compromise is to take the average of the current rate methodology and the provider proposed methodology to determine a facility's rate. Please contact [Chris Murray](#) for more information. ([Back to top](#)).

**The Academy Advocate on its way** – The summer issue of *The Academy Advocate* will arrive in members' mailboxes soon. Issue 3 Volume 5 features articles on ACOs, staff education and antipsychotic drug use in nursing homes, as well as a fun pictorial spread of the 2011 OANH PAC golf outing. A record 23 Academy facilities are featured in our Member Recognition article. The Academy would like to thank the following advertisers for their support: Acclaim Hospice; Anne Leeb, LLC; Benesch; CHAMPS Management Services; CompManagement, Inc.; Geoffrey Webster of Chester Willcox & Saxbe, LLP; Gulf South Medical Supply; Habegger Corporation; Hospice of Southwest Ohio; HW&Co; MedLab; PrevMed-Onsite Healthcare/Senior Dental Service; Risk Management

Solutions; Salsbury & Salsbury, LPA; The Meadows Health Care Center; and Weltman, Weinberg & Reis Co., LPA. Look for *The Academy Advocate* in eBook format on the website soon! ([Back to top](#)).

**Neace Lukens Insurance and Risk Management protects you and your business** – Neace Lukens Insurance and Risk Management, The Academy's Premier Partner of the Month, can develop insurance, risk management and financial protection strategies that fit your unique needs. Neace Lukens also offers numerous programs to protect you and your business: Property & Casualty Insurance, Employee Benefits Insurance, CORE Solutions and Personal Lines Insurance. Their teams within each discipline work with you to construct organized programs that stabilize your entire organization. With the resources of a large firm—and the service of a local, independent office—they become your trusted insurance broker and risk assessment advisor for the long term. The unmatched experience of Neace Lukens gives their clients unparalleled products and services. For more information, contact [Clete Richardson](#) at 614/220-9225 or 800/664-0772. ([Back to top](#)).

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

- **Survey & Certification Memo**

- [11-30: Reporting Reasonable Suspicion of a Crime in a Long-Term Care Facility \(LTC\): Section 1150B of the Social Security Act \(6/17/11\)](#)

Section 1150B of the Social Security Act (the Act), as established by section 6703(b)(3) of the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), requires specific individuals in applicable long-term care facilities to report any reasonable suspicion of crimes committed against a resident of that facility. Reports must be submitted to at least one law enforcement agency of jurisdiction and the SA (in fulfillment of the statutory directive to report to the Secretary). This memorandum discusses applicability of this provision to the following Medicare and Medicaid participating long-term care provider types that are collectively referred to as “facilities” or “LTC facilities” in this memorandum:

- Nursing facilities (NFs),
- Skilled nursing facilities (SNFs),
- Hospices that provide services in LTC facilities, and
- Intermediate Care Facilities for the Mentally Retarded (ICFs/MR).

SAs should process reports received under Section 1150B of the Act in accordance with existing CMS and state policies and procedures for reporting incidents and complaints to SAs. LTC facilities should have policies and procedures to comply with this law. The obligations of the facility are different than the obligations of a covered individual.

- **National Provider Call on Medicare FFS Implementation of HIPAA Version 5010 and D.0 Transactions**

CMS will host its seventeenth national education call regarding Medicare FFS's implementation of HIPAA Version 5010 and D.0 transaction standards on Wednesday, June 29 from 1:30 to 3 p.m. The target audience for this call includes vendors, clearinghouses, and providers who need to make Medicare FFS-specific changes in compliance with HIPAA Version 5010 requirements. If you would like to submit a question in advance of, during, or following the call, please email your inquiry to the [5010 FFS Information resource mailbox](#). Please note that this resource box will only accept emails the day before, the day of, and the day after this call. For more details, including instructions on registering for the call, please [click here](#).

- **From the MLN**

- A new publication titled [“Comprehensive Error Rate Testing \(CERT\) – Outpatient Rehabilitation Therapy Services”](#) is now available. This fact sheet is designed to provide education on Outpatient Rehabilitation Therapy Services to Medicare Fee For Service providers, and includes information on the documentation needed to support a claim submitted to Medicare for medical services.
- [SE1117 – Correct Provider Billing of Admission Date and Statement Covers Period](#)
- [SE1121 – Recovery Audit Program Diagnosis Related Group \(DRG\) Coding Vulnerabilities for Inpatient Hospitals](#)
- [MM7435 – New Waived Tests](#)
- [MM7339 – Manual Clarifications for Skilled Nursing Facility \(SNF\) Part A Billing](#)

- **The Pulse of CMS**

View the Spring 2011 edition of the Region V [The Pulse of CMS](#). ([Back to top](#)).

**Get CEUs for your July 1 renewal without leaving your office** – If you are short a few CEUs for your July 1 administrator's license renewal, check out the Academy's virtual university. OANH online courses are a great way to obtain your CEUs without leaving your office. These online classes have been approved by the Board of Examiners of Nursing Home Administrators (BENHA), and administrators may use online or home study courses to fulfill up to five of their yearly 20-hour CEU requirement. Some of the classes include:

- Introduction to OSHA and the OSH Act
- Employment Law
- Managing Electronic Communication
- Customer Service
- Fire Safety
- Building Security

You may sample any class for free, with no commitment. If you would like to take the class and receive CEU credit from BENHA, the cost is \$20-\$25; however, Academy members receive a discount. Members will need to use a discount code, which is available by the logging into the OANH website. Go to [www.oanhonline.org](http://www.oanhonline.org) now to learn more about these courses. If you have any questions, please contact [Dawn Kennedy](#). ([Back to top](#)).

**MITS update** – Have you verified that everyone in your office is aware of the MITS Transition Dates? [Provider Readiness Release 7](#) provides information on the importance of making sure that your office is aware of all the transition dates associated with the MITS implementation. Many of the transition dates begin this month in June. Please review with your staff to make sure your organization is not caught off guard with the dates between now and August 2, 2011. ([Back to top](#)).

**Ohio court ruling may provide path to unending lawsuits for physicians** – [American Medical News](#) (6/20) reports that the Ohio State Medical Association and others are "asking the Supreme Court of Ohio to review a lower court's ruling they say exposes physicians to an endless risk of negligence claims. An appellate court decision in *Ruther v. Kaiser* found that the state's statute of repose was unconstitutional." The OSMA said in a friend-of-the-court brief filed with the Litigation Center of the American Medical Association and the State Medical Societies that such an "evisceration of the statute of repose will affect the ability of every Ohio hospital, physician and medical provider to plan for the future, given the omnipresent specter of unknown old medical claims that could be filed at any time."

(Source: Health and Life Sciences Law Daily)

([Back to top](#)).

**California LANE offers free webinar on consistent assignment** – California's Local Area Network for Excellence (LANE) is hosting a free webinar/telephone conference focusing on consistent assignment. "**Reduce Staff Turnover and Boost Employee Morale**" will be held on Thursday, June 30 from 5 to 6:15 p.m. (EST). Speakers will include David J. Farrell, MSW, LNHA; Jennifer Wieckowski, MSG; and Tammy Rolfe, RN, LNHA, MS HPM. While the conference is free, registration is required. Registration is available [online](#). ([Back to top](#)).

**Mental incapacitation not a factor in signing nursing home arbitration agreement, court rules** – A Kentucky federal court ruled Monday that an arbitration agreement signed by a nursing home resident is enforceable, even though the 74-year-old woman said she suffered from a major mental disorder. The woman, Christine Abell, [brought a suit](#) against Life Care Center of Bardstown alleging negligence, gross negligence, wanton conduct, intentional conduct and disregard for her safety. Abell argued that she was mentally incapacitated when she was admitted, but the U.S. District Court for the Western District of Kentucky found that she was unable to demonstrate that age, sickness, extreme distress, or debility of the body invalidated her signature on the arbitration form, according to the Bureau of National Affairs. While a pre-admission screening detected a "major mental disorder," there was not proof to show that this prohibited Abell from understanding what she signed, the court stated. "The record does not show either that she had an irrational state of mind or that she lacked the requisite mental capacity to execute the Agreement," Judge John G. Heyburn wrote. The case was dismissed without prejudice.

(Source: McKnight's Long-Term Care News & Assisted Living, 06/23/11, [www.mcknights.com](http://www.mcknights.com))

([Back to top](#)).

