

# BQA Quarterly Information Update

April 2002

Wisconsin Department of Health & Family Services  
Division of Supportive Living  
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## From the Director

Welcome to the first BQA Quarterly Information Update! The Bureau is taking full advantage of the technologies available to us to implement faster, more cost-efficient ways of communicating information to our many provider communities. What are the advantages of utilizing our website? There are many. You will be able to view not only the BQA memos that were developed for your provider type, but all BQA memos. We continue to add many other items to our website frequently, including best practices. Our website has a direct link to the Centers for Medicare and Medicaid Services (CMS) for those providers who need to access the most current information from the federal government. In addition, there will be safety alerts and recalls of interest to all providers.

We believe that by visiting this website frequently, you will be able to stay up-to-date with BQA activities and changes, such as training events and rule revisions. The *BQA Quarterly Information Update* will highlight both what has been posted on the website over the previous quarter, as well as upcoming activities. We're confident we can deliver better information services to our many provider communities by making the most of the technology available to all of us!

-- Sue Schroeder, Director, Bureau of Quality Assurance

## Use Of This Update:

As you will find, this update contains many web addresses. This allows you to directly access various information, or, if you prefer, you can access any of these links directly from our website [www.dhfs.state.wi.us](http://www.dhfs.state.wi.us) (select "Licensing" for provider-oriented pages). It is our attempt to highlight here the many things of interest to multiple providers, however, new things will be added weekly to our website, so you should check there often and not wait for this publication to bring you up-to-date. A quick reference to BQA material on the Internet can be found in BQA memo 01-008 at [www.dhfs.state.wi.us/rl\\_DSL/Publications/01008.htm](http://www.dhfs.state.wi.us/rl_DSL/Publications/01008.htm).

*All non-DHFS hyperlinks are provided for your information and for the benefit of the general public. The Department of Health and Family Services does not testify to, sponsor, or endorse the accuracy of the information provided on linked pages.*

## BQA Numbered Memos Published January-March 2002

Access BQA memos via [www.dhfs.state.wi.us/rl\\_DSL/Publications/BQAnodMems.htm](http://www.dhfs.state.wi.us/rl_DSL/Publications/BQAnodMems.htm), as well as via the Publications page for individual providers.

| Memo   | Title   | Providers Affected  |
|--------|---|---|
| 02-001 | <a href="#">Applicable Codes Relating to Fire Protection Systems to Meet the January 1, 2002 Deadline</a> | Community Based Residential Facilities  |
| 02-002 | <a href="#">Home Health Update – January 2002</a>   | Home Health Agencies  |
| 02-003 | <a href="#">Home Health Outcome-Based Quality Improvement (OBQI) Training Announcement</a>                | Home Health Agencies  |
| 02-004 | <a href="#">Wisconsin Nurse Aide Directory Employment Eligibility Verification</a>                        | Community Based Residential Facilities, Facilities for the Developmentally Disabled, Home Health Agencies, Hospices, Hospitals, Nurse Aide Training Programs, Nursing Homes, Rural Health Clinics |
| 02-005 | <a href="#">Family Care Resource Centers' Requirement to Provide Information</a>                          | Adult Family Homes, Community Based Residential Facilities, Facilities for the Developmentally Disabled, Nursing Homes, Residential Care Apartment Complexes                                      |
| 02-006 | <a href="#">CLIA Survey Findings: INR Calculation</a>   | Laboratories Reporting the INR Result   |
| 02-007 | <a href="#">Use of MDS Waived for CAH Swing-Bed Patients</a>  | Hospitals, Critical Access Hospitals  |
| 02-008 | <a href="#">Home Health Update – January 2002</a>   | Home Health Agencies  |
| 02-009 | <a href="#">Implementation of CMS Focused Survey Process</a>  | Hospitals, Critical Access Hospitals  |
| 02-010 | <a href="#">Temporary Authorization to Use Available Hospital Beds for Urgent Medical Needs</a>           | Hospitals ( <i>note this expires 4/30/02</i> )  |
| 02-011 | <a href="#">Contracting Out Nurse Aide Competency Evaluation Testing &amp; Directory Services</a>         | Nurse Aide Training and Competency Testing Programs   |

## CMS Website Yields Up-To-Date Information

To obtain the latest in information from the Centers for Medicare and Medicaid Services (CMS), you should check the CMS website frequently: [www.hcfa.gov/medicaid/scindex.htm](http://www.hcfa.gov/medicaid/scindex.htm). On this page you will find Nursing Home links as well as to other provider types (Home Health Agencies, Hospices, Hospitals, etc.). The State Operations Manual (SOM) can be found there, as can the latest in memos and “Survey and Certification” letters (S & C Letters). Although our quarterly update will highlight the important information that comes from CMS in each edition, we strongly suggest that you also check this website routinely so that you are up-to-date on what’s new in CMS.

Below is a list of the Survey and Certification Letters that were developed in the last quarter: (your direct link to the website is [www.hcfa.gov/medicaid/lcsp/lcmemos.htm](http://www.hcfa.gov/medicaid/lcsp/lcmemos.htm))

| <b>Title</b>  | <b>Number</b> | <b>Date</b> |
|---|---------------|-------------|
| Implementation of Outcome-Based Quality Improvement (OBQI) Reports                                      | 02-12         | 1/9/02      |
| Services Provided by Home Health Agencies (HHAs)  | 02-13         | 1/7/02      |
| Certification of False Labor – EMTALA   | 02-14         | 1/16/02     |
| Clarification of Hospital Admission and Presurgical History and Physical Examination (H&P) Requirements | 02-15         | 1/28/02     |
| Clarification of CMS Policies Regarding Ambulatory Surgical Centers – Effective Immediately             | 02-16         | 2/1/02      |
| Completion of Minimum Data Set (MDS) in Critical Access Hospitals (CAHs)                                | 02-17         | 2/1/02      |
| Intermediate Care Facilities for Persons with Mental Retardation (ICRs/MR) Form 3070G Revisions         | 02-18         | 2/6/02      |

## New BQA Provider Report Now Available on the Internet

We have posted the Bureau of Quality Assurance *Overview of Providers Survey and Complaint Activity and Forfeiture Actions* at [www.dhfs.state.wi.us/bqaconsumer/ProviderOvrvw.pdf](http://www.dhfs.state.wi.us/bqaconsumer/ProviderOvrvw.pdf). This is a PDF file, so you will need Acrobat Reader on your computer to view and print it (a free download available from the DHFS site). This report lists statistics on survey activities and forfeiture assessments and payments over a recent three-month period in the five department regions (for a map and office contacts, see [www.dhfs.state.wi.us/bqaconsumer/reglmap.htm](http://www.dhfs.state.wi.us/bqaconsumer/reglmap.htm)). We will be updating this report quarterly.

## Maintaining Nurse Aide Employment Eligibility Status

Under federal regulations, a nurse aide becomes ineligible for employment in a **federally certified** (Medicare and/or Medicaid certified):

- Nursing home
- Home health agency
- Hospice

if he or she does not perform nurse aide duties for pay in a health care setting, under the supervision of an RN or LPN, during a period of 24 consecutive months. To regain eligibility, the nurse aide must successfully retake a competency test or retrain and successfully retest.

Under Wisconsin law, these same requirements apply to nurse aides employed in a **Medicaid certified**:

- Nursing home
- Intermediate care facility for persons with mental retardation (ICF/MR)

To maintain eligibility to work in the facilities indicated above, a nurse aide must complete a *Nurse Aide Directory Renewal* form, DSL-2312 to report his or her most recent nursing-related employment every two years. The health care facility must sign the form to verify that the nursing-related employment was performed under the supervision of an RN or LPN. Medication aides must also report every two years. The Directory cannot accept forms submitted by staffing or pool agencies, but employees of such agencies can have their forms signed by the health care facilities they serve.

Federal and state regulations do not require nurse aides to provide the Directory with employment information if they work **only** in:

- Hospitals or state licensed (not federally certified Medicare or Medicaid providers)
- Facilities for the developmentally disabled
- Nursing homes
- Home health agencies
- Hospices

These facilities may voluntarily request that nurse aides report employment history to the Directory.

Currently, an aide's name is not removed from the Nurse Aide Directory. However, the Directory will indicate that a nurse aide's eligibility to work in a federally certified nursing home, ICF/MR, home health agency or hospice has lapsed if employment information is not reported.

It benefits both the health care industry and the aide to submit timely *Renewal* forms (recommend submitting one month prior to the aide's expiration date) to the Wisconsin Nurse Aide Directory. This allows the Directory to maintain an accurate and up-to-date record, enhances the nurse aide's employment options and increases the qualified pool of aides eligible to work in federally certified health care facilities.

For more information about Wisconsin nurse aide requirements, please access the Department's Wisconsin Nurse Aide Training and Directory website at [www.dhfs.state.wi.us](http://www.dhfs.state.wi.us), click on "Licensing," scroll down and then click on "Nurse Aide Training and Directory." You will find Forms, Publications, including the [Wisconsin Nurse Aide Training and Directory Manual](#), a user-friendly manual that includes all federal and state regulations related to nurse aides.

## Complete Caregiver Background Checks Available Online!

As you know, you must complete a caregiver background check for your employees who have regular, direct contact with clients. This includes employees who provide direct care and may include housekeeping, maintenance, dietary and administrative staff, if those persons are under the entity's control and have regular, direct contact with clients served by the entity.

Department of Justice (DOJ) account holders may request caregiver background check information on the Criminal History Record Check website at <http://wi-recordcheck.org>. Until recently, this meant you could access the person's Wisconsin conviction report from records maintained by DOJ online, but the Department of Health and Family Services (DHFS) Response to Caregiver Background Check letter still came in the mail approximately 7 to 10 days later.

Effective February 2002, DOJ and DHFS are pleased to announce that enhancements have been made to the Record Check web site. The new features of the Record Check web site include:

- Daycare/Caregiver results are now provided online – you may view and print the DHFS Response to Caregiver Background Check letter at the same time as the DOJ criminal history information.
- Online record checks may be purchased with a credit card – if you don't have an account with the DOJ, you may use your MasterCard or Visa card to pay for an online check. All credit card record checks are billed at the general public rate.
- Record Check results are available for 14 days, rather than seven days.

To properly view the online DHFS results for Daycare/Caregiver requests, you must use Microsoft Internet Explorer, version 6.0 or higher or Netscape, version 6.1 or higher. Your browser must be able to use an XSL stylesheet to convert the message into its proper display format on your screen. The approved browsers have this capability. This Wisconsin Department of Justice information can *not* be viewed using AOL and CompuServe browsers.

If you believe you are using an appropriate Internet browser version but are having trouble with how the Record Check results are displayed on your screen, please contact the Record Check Administrator by phone at 608-266-9398 or by e-mail at [wi-recordcheck-account@doj.state.wi.us](mailto:wi-recordcheck-account@doj.state.wi.us).

For more information regarding caregiver background checks, offenses affecting caregiver eligibility, substantially related decisions and the Caregiver Misconduct Registry, please see the Wisconsin Caregiver Program Manual at [www.dhfs.state.wi.us/caregiver/publications/CgvrProgMan.htm](http://www.dhfs.state.wi.us/caregiver/publications/CgvrProgMan.htm).

## Swing-beds for rural hospitals update

Section 408 of the Federal Balanced Budget Refinement Act of 1999 **eliminated length of stay requirements** for hospital swing-bed facilities. Current hospital swing-bed regulation language is at 42 CFR 482.66 as follows:

**§482.66 Special requirements for hospital providers of long-term care services ("swing-beds").**

A hospital that has a Medicare provider agreement must meet the following requirements in order to be granted an approval from CMS to provide post-hospital extended care services, as specified in §409.30 of this chapter, and be reimbursed as a swing-bed hospital, as specified in §413.114 of this chapter:

- (a) *Eligibility.* A hospital must meet the following eligibility requirements:
- (1) *The hospital has fewer than 100 hospital beds, excluding beds for newborns and beds in intensive care type inpatient units (for eligibility of hospitals with distinct parts electing the optional reimbursement method, see §413.24(d)(5) of this chapter).*
  - (2) *The hospital is located in a rural area. This includes all areas not delineated as "urbanized" areas by the Census Bureau, based on the most recent census.*
  - (3) *The hospital does not have in effect a 24-hour nursing waiver granted under §488.54(c) of this chapter.*
  - (4) *The hospital has not had a swing-bed approval terminated within the two years previous to application.*
- (b) *Skilled nursing facility services.* The facility is substantially in compliance with the following skilled nursing facility requirements contained in sub-part B of part 483 of this chapter.
- (1) *Resident rights (§483.10 (b)(3), (b)(4), (b)(5), (b)(6), (d), (e), (h), (i), (j)(1)(vii), (j)(1)(viii), (l), and (m)).*
  - (2) *Admission, transfer, and discharge rights (§483.12 (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7)).*
  - (3) *Resident behavior and facility practices (§483.13).*
  - (4) *Patient activities (§483.15(f)).*
  - (5) *Social services (§483.15(g)).*
  - (6) *Discharge planning (§483.20(e)).*
  - (7) *Specialized rehabilitative services (§483.45).*
  - (8) *Dental services (§483.55).*

Should you have questions about the current swing-bed regulations, contact Jean Kollasch, provider regulation consultant, at [kollajd@dhfs.state.wi.us](mailto:kollajd@dhfs.state.wi.us) or at 608-267-0477 or Susan Hesperen, compliance specialist, at [hespensj@dhfs.state.wi.us](mailto:hespensj@dhfs.state.wi.us) or at 608-266-0582.

Effective July 1, 2002, Hospital swing-bed facilities (excluding Critical Access Hospitals) will **convert to the Skilled Nursing Facility Prospective Payment System (SNF PPS)** as required by the Balanced Budget Act of 1997. The SNF PPS will be phased in based on each swing-bed hospital's fiscal year. Swing-bed provider will assess the clinical condition of beneficiaries by preparing a *Minimum Data Set (MDS) for Swing-bed Hospitals* for each Medicare beneficiary receiving SNF level care. The following CMS website will provide you with detailed information: [www.hcfa.gov/pubforms/transmit/A02016.pdf](http://www.hcfa.gov/pubforms/transmit/A02016.pdf). The website includes the Program Memorandum Intermediaries, Transmittal A-02-016 of February 15, 2002, and a copy of the *Swing-bed Hospital MDS* form.

If you have questions on SNF-PPS for swing-bed facilities, contact your Fiscal Intermediary. For questions about MDS coding, contact Billie March, RAI Education Coordinator, at [marchba@dhfs.state.wi.us](mailto:marchba@dhfs.state.wi.us) or at 608-266-7188.

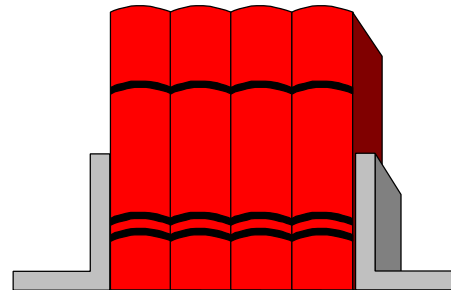
### ***Looking for Rule Information?***

*The State of Wisconsin's rule making process involves the public by including experts to assist in the actual drafting of proposed rules to gather public information, and by holding public hearings before a rule is promulgated.*

*Providers become aware of and contribute to the rule making process through their involvement with various associations or reading public notices. Another excellent source to learn more about the proposed rules under development is by viewing the following DHFS web-site:*

[www.dhfs.state.wi.us/reference.htm](http://www.dhfs.state.wi.us/reference.htm)

*By visiting this web-site, providers can view a "Statement of Scope" for any proposed rules under development and view the other various stages of the rules promulgation process. The scope document must be approved by the Department of Health and Family Services (DHFS) Secretary's office and published in the Wisconsin Administrative Register before drafting rules. It is also a notice of our rule making intent to the public.*



### **BQA ADMINISTRATIVE RULES UPDATE**

***HFS 83- "Community Based Residential Facilities" (CBRF's)***

- *Currently drafting the rule making order*

***HFS 124- "Hospitals"***

- *Statement of Scope published in the WI Admin. Register*
- *Internal workgroup formed to discuss rule drafting process*

***HFS 132- "Nursing Homes"***

- *Currently drafting the Statement of Scope*

*For Questions about BQA rules, contact Cheryl Bell-Marek at (608) 264-9896 or at [bellmcj@dhfs.state.wi.us](mailto:bellmcj@dhfs.state.wi.us)*

## Upcoming Training Opportunities

Also check the Provider or What's Happening sections for individual health care providers on the DHFS Website [www.dhfs.state.wi.us](http://www.dhfs.state.wi.us) via the Licensing page. For registration questions, contact the Bureau of Quality Assurance Training Coordinator at (608) 267-1438.

| <b>Programs</b>   | <b>Locations and Dates</b>   |
|---|--|
| Beyond RAI Basics Assessment and Care Planning  | Wausau, May 16, 2002   |
| Nutritional Assessment and Care Planning  | Oshkosh, June 4, 2002<br>Madison, June 11, 2002<br>Eau Claire, June 13, 2002 |
| OASIS Basics  | Wisconsin Rapids, May 22, 2002   |
| <i>Keep your calendars open for the Long Term Care Forum 2002: Pride in Caring hosted by BQA. The topics will be geared towards nursing home and assisted living.</i> | Fond du Lac, August 15, 2002   |

## Fire in a Nursing Home: All Turns Out Well

Here is an excerpt from a letter "We Had It All Under Control" sent to the *Platteville Journal* by Linda Adrian, Grant County Health Office, concerning the fire at Gray's Nursing Home. This is an example of a positive outcome from what could have been a tragedy. From this incident, facility personnel can understand why regular fire drills and thorough disaster planning and preparation are so important (*for sample nursing home and hospital disaster plans, see [www.dhfs.state.wi.us/rl\\_DSL/Publications/EmergPlanIntro.htm](http://www.dhfs.state.wi.us/rl_DSL/Publications/EmergPlanIntro.htm)*). Due to dedicated staff and community, the residents of Gray's Nursing Home were able to return less than a week after the fire, with the facility resuming full operation, including laundry, on January 28, 2002.

"On Friday, January 11, late in the evening, I received a phone call from Steve Braun, the Grant County Emergency Management director, that there was a fire at Gray's Nursing Home. All patients had been evacuated and a decision needed to be made as to if they could safely be returned.

"When I arrived . . . [t]he patients were being treated with tender loving care (TLC) by a familiar and caring staff. There was no feeling of panic or discomfort. Everyone knew . . . they were safe and with 'friends' who cared.

"When we made the decision that it was unsafe for the patients to return . . . several staff members called area nursing homes and hospitals and made arrangements for patients to be transferred. Families were notified so that they knew what was happening and where their loved ones would be.

"Rescue squads from Platteville, Belmont, Lancaster, Cuba City, Hazel Green and Potosi all assisted in transfers . . . The Directors of Nursing from some of these facilities came to meet the patients, get their records and medications prior to transfer. . . .

"I want families, friends, and the community to know what a competent, caring group of professionals we have in our police department, fire department, EMS personnel, Emergency Management, and health care providers and local media. And, a special tribute goes to the Gray's Nursing Home staff.

"We are indeed fortunate."

*Did you know? A study of Naval recruits at a training center in Illinois found that when they washed their hands at least five times a day, they cut the rate of respiratory illnesses (colds and flu) by 45%.*

## **All Current BQC/BQA Memos Going Online**

We are in the midst of preparing PDF versions of all BQA and BQC memos back to 1983 that are still considered applicable to provider operations. These should be available some time in April via the main BQA memo page. We will, however, continue to make electronic versions available on diskette for purchase.

## **Heads Up – Watch for Questionnaire on NOAA Weather Radios**

DHFS is planning an Internet questionnaire of providers on their possession and use of National Oceanic and Atmospheric Administration (NOAA) weather radios and severe weather response plans later this year. We will let you know via this publication when the questionnaire is ready and distribute instructions on completing it online. For information on these radios, see [www.dhfs.state.wi.us/rl\\_DSL/Publications/01-020.htm](http://www.dhfs.state.wi.us/rl_DSL/Publications/01-020.htm); for sample disaster plans, [www.dhfs.state.wi.us/rl\\_DSL/Publications/EmergPlanIntro.htm](http://www.dhfs.state.wi.us/rl_DSL/Publications/EmergPlanIntro.htm)