

B Q A Quarterly Information Update

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Wisconsin Department of Health & Family Services
Division of Disability and Elder Services

P.O. Box 2969, Madison, WI 53701-2969

Telephone: (608) 266-8481, TTY: (608) 266-7376

FAX: (608) 267-0352

Bureau of
Quality Assurance

Susan Schroeder, Director

www.dhfs.state.wi.us

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Bureau of Quality Assurance to End Document Sales

As of May 1, 2004, the Bureau of Quality Assurance will discontinue its document sales operations. The items no longer available for purchase include the following:

- CMS Documents (State Operations Manual and Appendices)
- Provider Lists, Directories and Label Sets
- Brochures (“Your Right to Direct Your Future Health Care,” CBRF Checklist)
- Wisconsin Administrative Codes

Sales of hard copy documents have been steadily declining because they are now available on the Internet and, more and more, users have gained access to computers at work and home. Keeping little-requested items available in print format requires staff time and resources that we can deploy in other areas. We have also discontinued a couple of items such as the “Choosing a Nursing Home” brochure because other organizations had similar documents easily available on the Internet.

In addition, the following forms will no longer be mailed out on request. All are available via the Forms Library at <http://dhfs.wisconsin.gov/forms/> (select either the appropriate alphabetic list or on the DDES numbered list).

DDE-2287	Hospice Patient Complaint
DDE-2069	Home Health Agency Complaint Report
DDE-2191	Preadmission Screen/Annual Resident Review (PASARR) Level 1 Screen
DDE-2256	Request for Title XIX Care Level Determination
DDE-2256a	Request for Title XIX Care Level Determination – Addendum for DD Client/Resident
DDE-2288	Care Level Determination Worksheet

If you have problems accessing the Internet materials, please e-mail Todd McCall at mccaltw@dhfs.state.wi.us or call (608) 267-3808.

Wisconsin's Feeding Assistant Training Program Status Update

On September 26, 2003, the federal Centers for Medicare and Medicaid Services (CMS) published the final rule for Requirements for Paid Feeding Assistants in Long Term Care Facilities in the Federal Register. These regulations allow States to develop program requirements for nursing homes to hire trained feeding assistants to help residents without complicated feeding problems to eat and drink. CMS no longer considers the kind of tasks a feeding assistant may perform as "nursing or nursing-related" duties. Nursing homes have been required to rely on nurse aides or other health care professionals to assist residents with eating and drinking. **As a result of these new federal regulations, the Department of Health and Family Services, directed by CMS, has terminated the plan to phase out single task workers in Wisconsin's nursing homes.**

Wisconsin Feeding Assistant Training Program Development

Wisconsin's "single task worker" model is frequently referenced in the CMS rule. However, in analyzing the federal feeding assistant requirements, the Department of Health and Family Services has determined there are many areas where the federal training and employment requirements vary from protocols established under Wisconsin's single task worker program.

As Wisconsin is considered the pioneer on this issue and other states are watching closely, the Department has reconstituted the previous "Single Task Worker Workgroup," established several years ago to discuss single task worker, workforce recruitment and retention issues. This workgroup includes representatives from BQA, for profit and not-for-profit nursing homes, workforce associations, the Board on Aging and Long Term Care Ombudsman Program, the Department of Public Instruction, the Department of Workforce Development and the Wisconsin Technical College System. The Feeding Assistant Program Workgroup has reviewed and compared the previously established single task worker policies and procedures to determine recommendations for Wisconsin's feeding assistant program requirements, such as:

- Minimum training requirements
- Testing requirements
- Instructor qualifications
- Resident population
- Grandparenting of current workers
- Training transportability

The workgroup has met several times to review, discuss and provide feedback to the Department regarding these issues. Once Wisconsin's feeding assistant requirements are finalized and approved, [a BQA numbered memo](#) will be issued, detailing the training and testing requirements, a formalized program application process, employment requirements and survey protocols. It is anticipated this detailed memo will be released in early 2004.

BQA is not yet accepting new applications for feeding assistant training programs. Nursing homes approved by BQA to utilize single task workers may continue to do so. Facilities that are not currently approved for single task workers should not use such workers for unapproved duties. If you have further questions at this time, please contact Susan Larsen, Caregiver Regulation and Investigation Section at (608) 243-2084.

BQA Numbered Memos October-December 2003

Memo	Title	Providers Affected
03-007	Title XIX Nursing Care Level Determination Guideline	Nursing Homes
03-014	Insulin Medication Errors in Nursing Homes	Nursing Homes
03-015	Introducing the BQA Post-Survey Questionnaire	Adult Day Care, Adult Family Homes, Ambulatory Surgical Centers, Certified Mental Health & AODA Programs, Community Based Residential Facilities, End Stage Renal Dialysis, Facilities for People with Developmental Disabilities, Home Health Agencies, Hospices, Hospitals, Nursing Homes, Outpatient Physical Therapy/Speech Pathology Services, Residential Care Apartment Complexes, Rural Health Clinics
03-016	Wisconsin's Feeding Assistant Training Program Requirements – Status Update	Nurse Aide Training Programs, Nursing Homes
03-017	New Assisted Living Survey Process	Adult Day Care, Adult Family Homes, Community Based Residential Facilities, Residential Care Apartment Complexes
Proposed Memos – to be distributed early in 2004:		
	Reporting All Allegations Immediately To Administrator	Facilities for People with Developmental Disabilities
	Alcohol-Based Hand Sanitizers	Ambulatory Surgical Centers, Facilities for People with Developmental Disabilities, Hospices, Hospitals, Nursing Homes

Access BQA memos via http://dhfs.wisconsin.gov/rl_DSL/Publications/BQAnodMems.htm or from individual providers' publications pages via http://dhfs.wisconsin.gov/rl_DSL/.

We have **obsoleted** the following BQA memos:

- 00-054 concerning Do-Not-Resuscitate information - call the Division of Public Health at (608) 267-7147 or E-mail WebmailDPH@dhfs.state.wi.us.
- 99-068 was replaced by [memo 03-007, "Title XIX Nursing Care Level Determination Guideline."](#)
- 90-054, "Certification for Need of Services for MA Recipients Under the Age of 21 Entering Psychiatric Hospitals" – Wisconsin no longer does Certification of Need.
- 90-074, "Challenge Examination for Medication Assistants" – the outmoded procedure outlined in this memo is being updated. Check the Nursing Home Providers page at http://dhfs.wisconsin.gov/rl_DSL/NHs/NHprovsd.htm.
- 89-007 was superseded by [memo 03-006, "CMS Adopts Life Safety Code."](#)

DHFS Internet Address Change

As of January 1st, 2004 the official Department of Health and Family Services website address has changed in order to bring it closer in line with the Wisconsin state site, **wisconsin.gov**. You can access individual Department Internet pages by replacing the first part of the address, **www.dhfs.state.wi.us** with **dhfs.wisconsin.gov**. You do not need a “www” in front. This change includes all Bureau of Quality Assurance pages.

Viewers using the old “www” addresses will still reach the appropriate pages on the new site. However, we ask that viewers start changing all references to the DHFS Internet pages to accommodate the new addresses. If you have any question about this change, please e-mail Todd McCall at **mccaltw@dhfs.state.wi.us** or call (608) 267-3808.

New Directories

BQA has added the following new Internet pages to its lineup:

- Hospitals at <http://dhfs.wisconsin.gov/bqaconsumer/HealthCare/directories.htm>. These will be updated twice a year.
- Approved Nurse Aide Training Programs at <http://dhfs.wisconsin.gov/caregiver/pdf/files/NAtrgProgs.pdf> – This file will be updated at least bi-monthly. Training programs need to contact the Caregiver Regulation & Investigation Section in writing of any changes. Send to 2917 International Lane, Suite 300, Madison, WI 53704.
- Individual county listings for assisted living providers (Adult Day Care, Adult Family Homes, Community Based Residential Facilities (CBRFs) and Residential Care Apartment Complexes). Viewers can click on a county from a map or from a table on <http://dhfs.wisconsin.gov/bqaconsumer/AssistedLiving/AsLivDirs.htm> and see that county’s assisted living facilities.
- A “one-stop shopping area” for BQA directories at <http://dhfs.wisconsin.gov/bqaconsumer/directories.htm>.

Providers are reminded to contact their appropriate licensing specialist or regional office if changes need to be made to directory entries. If you have further questions about provider directories, please e-mail Todd McCall at **mccaltw@dhfs.state.wi.us** or call (608) 267-3808.

Reminder: Influenza Information Website

BQA converted its old influenza memo series to a permanent Internet page updated as needed at http://dhfs.wisconsin.gov/rl_DSL/Providers/influenza.htm. This site includes links to appropriate Wisconsin and federal information. You can also access this site via the “Seasonal Information” section on the Providers page for individual facility types via http://dhfs.wisconsin.gov/rl_DSL/index.htm.

Upcoming Seminar/Training Opportunities

Brochures on upcoming training will be mailed to providers and posted on the Internet. Check the BQA Provider Training page at http://dhfs.wisconsin.gov/rl_DSL/Training/index.htm or the Provider or What's Happening sections for individual health/residential care providers via http://dhfs.wisconsin.gov/rl_DSL. For registration questions, contact the Bureau of Quality Assurance Training Coordinator at (608) 267-1438.

Program(s)	Locations and Dates
ICF/MR Provider Conference, "Making Regulations Work" (see article below)	March 4, 2004 Wintergreen Hotel, Wisconsin Dells
Resident Assessment Instrument (RAI) Basic*	April 2004
Resident Assessment & Care Planning*	May 2004
Minimum Data Set (MDS) Automation*	May 2004
Nursing Home & Assisted Living Provider Conference "Focus 2004 - Collaborating for Quality"	August 9, 2004 American Family Insurance, Madison

The goal is "Achieving Quality through Standards of Practice."

*These three events for federally-required data systems will be held in the Fox Valley area; specific dates and locations to be announced. Watch for upcoming brochures in the mail or check http://dhfs.wisconsin.gov/rl_DSL/Training/index.htm.

Announcing the 2nd Annual Bureau of Quality Assurance ICFs/MR Provider Conference, MAKING REGULATIONS WORK

Mark your calendar for Thursday, March 4, 2004. The conference will be held at the Wintergreen Resort and Conference Center in Wisconsin Dells from 8:15 am to 4:15 pm (registration opening at 7:45 a.m.).

Qualified Mental Retardation Professionals, direct care staff, nurses, therapists, social workers and management personnel will benefit from the conference. The agenda will include cutting edge information relating to Alzheimer's in the developmentally disabled population; critical things to know about abuse investigations and injuries of unknown origin; community placement insights; and emerging regulatory issues in the U.S., Region V and Wisconsin. A new feature at this year's conference will be interactive exhibits.

We would like potential participants to send us questions and suggestions for topics or issues to be covered. Please send this material by February 19, 2004 to Jean Kollasch, either by E-mail at kollajd@dhfs.state.wi.us, fax to (608) 267-7119 or mail to Bureau of Quality Assurance, Provider Regulation & Quality Improvement, PO Box 2969, Madison, WI 53701-2969.

Brochures and registration information will be coming out in January. Be sure to check the BQA web site at http://dhfs.wisconsin.gov/rl_dsl/Training/index.htm for further information on this and other training opportunities.

Latest CMS Survey & Certification Letters

Below is a list of the Survey and Certification Letters distributed by the federal Centers for Medicare and Medicaid Services (CMS) during the last quarter. These letters are posted as PDF files to the Internet via www.cms.gov/medicaid/survey-cert/letters.asp. Please be aware that some letters pertain only to state agency operations. If you have questions about individual letters, contact Susan Hespden of BQA at (608) 266-0582 or e-mail hespden@dhfs.state.wi.us.

Title	Number	Date
Mandatory On-Line Prerequisites for Basic Long Term Care Training	04-01	10/9/03
Use of Mapping to Determine Rural Eligibility for Rural Health Clinics	04-02	10/9/03
Input Instructions for Comparative Surveys for FY 2004 Policy and Database Clarification	04-03	10/9/03
Comparative Surveys for Fiscal Year 2004	04-04	10/9/03
Guidance On Test Systems That Are Categorized as Either Waived or Moderate Complexity Under the Clinical Laboratory Improvement Amendments of 1988 (CLIA)	04-05	11/13/03
Definition of "Significant Difference" for Federal Oversight Support Survey (FOSS) and Long Term Care (LTC) Comparative Surveys	04-06	11/13/03
Minimum System Requirements [State and Regional Offices Computers]	04-07	11/13/03
Physician Delegation of Tasks in Skilled Nursing Facilities (SNFs) and Nursing Facilities (NFs)	04-08	11/13/03
Guidelines to Support Management of Complaints and Incidents and the National Implementation of the ASPEN Complaints/Incidents Tracking System (ACTS)	04-09	11/13/03
Emergency Medical Treatment and Labor Act (EMTALA) Interim Guidance	04-10	11/7/03
State Survey Agency Performance Standards for Fiscal Year (FY) 2004	04-11	11/19/03
Home Health Agencies (HHAs): The Collection and Transmission of the Outcome and Assessment Information Set (OASIS) Data for Private Pay Patients (non-Medicare/non-Medicaid) (see article "Change in OASIS Data Collection Requirements")	04-12	12/11/03
Validation, Complaint, and Reporting Requirements: Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Inpatient Psychiatric Services to Individuals Under Age 21 (42 CFR Part 483 Subpart G).	04-13	12/11/03
Implementation of Critical Access Hospital Bed Size Increase (see article)	04-14	12/11/03
Definitions of Terms Used in the Life Safety Code (LSC) of the National Fire Protection Association (NFPA) (see article)	04-15	12/11/03

CMS Clarification of 2000 Life Safety Code Definitions (Major vs. Minor Rehabilitation of Buildings)

The Centers for Medicare and Medicaid Services (CMS) has issued a Survey & Certification letter 04-15 providing clarification in response to questions raised regarding the definitions in the 2000 Life Safety Code. The definitions of "Major" and "Minor" rehabilitation of a building are provided. You may view the letter online at www.cms.gov/medicaid/survey-cert/sc0415.pdf.

Implementation of Federal Statutory Requirements for Critical Access Hospital Bed Size Increase; State Waivers of HFS 124.40 Provisions

Per Centers for Medicare and Medicaid Services (CMS) Survey & Certification Letter 04-14 issued December 11, 2003, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was enacted on December 8, 2003. This law contains modifications to the statutory requirements for Critical Access Hospitals (CAHs). Under the current law, CAHs are restricted to 15 acute-care beds and a total of 25 beds, if the CAH has been granted swing-bed approval. No more than 15 acute beds can be used at any one time.

The Medicare Modernization Act increases the allowable maximum number of beds to 25 regardless of swing-bed approval. As of January 1, 2004, any currently participating CAH, or applicant for CAH approval, may maintain up to 25 beds. If a swing-bed approval has been granted, all 25 beds can be used interchangeably for acute care or swing-bed services.

Section HFS 124.40(2)(a), Wisconsin Administrative Code, limits CAHs to no more than a total of 15 beds to be used for acute inpatient care. HFS 124.40(2)(b) allows for ten additional swing beds, provided the CAH has a swing bed approval. Pursuant to HFS 124.04(3)(b), the Bureau of Quality Assurance will waive these provisions to coincide with the Medicare Modernization Act language.

If you have any questions, please contact Jane Walters, Health Services Section, at (608) 243-2028 or Jean Kollasch, Provider Regulation & Quality Improvement, (608) 267-0466 or E-mail Plichthcareprov@dhfs.state.wi.us. The Survey & Certification Letter 04-14 is posted to the Internet at www.cms.gov/medicaid/survey-cert/sc0414.pdf.

Home Health Complaint Form

The Wisconsin Administrative Code which governs patient rights under HFS 133.08(3) Complaints reads as follows: "At the same time that the statement of patient rights is distributed under sub. (2), the home health agency shall provide the patient or guardian with a statement, provided by the department, setting forth the right to and procedure for registering complaints with the department."

The Home Health Agency Complaint Report form DDES 2069 has been updated as of June 2003 and is available on the Internet at <http://dhfs.wisconsin.gov/forms/DDES/DDE2069.pdf> (PDF file). Home health agency clients are also encouraged to review the information about reporting complaints on <http://dhfs.wisconsin.gov/bqaconsumer/HealthCare/HomeHealth.htm>, which includes a link to the complaint form.

Wisconsin Health Facility Fire Information for 2003

Following is a table of information about fires reported to the Department of Health and Family Services from Wisconsin health and residential care facilities for the year 2003:

	Nursing Homes	Hospitals	Assisted Living Facilities
Laundry	4	0	1
Kitchen	5	1	6
Electrical	4	3	4
Smoking/Lighter	2	1	3
Resident/Patient Room	0	0	0
Mechanical/Construction	6	2	4
Injured	0	0	0
Deaths	0	0	0
Facilities Destroyed	0	0	0
Automobile	0	0	0

All fires in a licensed health or residential care facility in Wisconsin must be reported within 72 hours to the Department of Health & Family Services. You may use the Fire Report form located on the Internet at <http://dhfs.wisconsin.gov/forms/DDES/dde2500.pdf> and fax it to (608) 267-7119 or to the appropriate BQA Regional office (see the information at http://dhfs.wisconsin.gov/rl_DSL/Contacts/reglmap.htm for nursing homes and FDDs or http://dhfs.wisconsin.gov/rl_DSL/Contacts/ALSreglmap.htm for assisted living facilities). See also BQA memo 00-017 posted at http://dhfs.wisconsin.gov/rl_DSL/Publications/00-017.htm.

Change in OASIS Data Collection Requirements

The Medicare Prescription Drug, Improvement and Modernization Act of 2003 contains a provision on the collection of Outcome and Assessment Information Set (OASIS) data for private pay (non-Medicare/non-Medicaid) patients. Section 704 of this Act temporarily suspends the requirement that Medicare-approved home health agencies (HHAs) collect OASIS data on non-Medicare/non-Medicaid patients.

CMS provides guidance on this regulation change in S&C Memo 04-12, dated December 11, 2003. You may access this memo at either:

- Bulletins on State OASIS System Welcome Page, or
- www.cms.gov/medicaid/survey-cert/sc0412.pdf

For the purpose of this regulation change, a private pay patient is any patient for whom M0150 (Current Payment Source for Home Care) is **not** one of the following responses:

1. Medicare (Traditional fee-for-service)
2. Medicare (HMO/managed care)
3. Medicaid (Traditional fee-for-service)
4. Medicaid (HMO/managed care).

If a patient has a private pay insurance and M0150 response 1, 2, 3, or 4 as an insurance to whom the agency is billing the services, the comprehensive assessment, including OASIS data, must be collected and transmitted to the State.

Medicare (HMO/managed care) includes Medicare + Choice (M+C) plans and Medicare PPO plans.

If you have questions on this regulation change, contact Andrea Henrich, OASIS Education Coordinator at 608-267-3807 or Chris Benesh, OASIS Automation Coordinator, at 608-266-1718.

Reminder Regarding Home Health Agency Branch ID Numbers

CMS Regional Offices have completed assigning branch identification numbers to Home Health Agency (HHA) branches. Any OASIS assessment completed by a branch **must** contain the CMS issued branch ID number on and after January 1, 2004, or the HHA will receive a fatal error and the information will be rejected. Instructions for completing M0016 can be found in the October 2003 Revised Chapter 8 of the OASIS Implementation Manual available at www.cms.hhs.gov/oasis/rev8.pdf.

Changes to the OASIS Implementation Manual

- **Chapter 8 Revised**

Due to the changes issued by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Chapter 8 of the OASIS Implementation Manual was revised to reflect HHAs' ability to be compliant with the use of current ICD-9-CM guidelines. The revisions provide new language effective October 1, 2003 for the following OASIS data items: M0230/240 (Diagnosis and Severity Index), and M0245 (Payment Diagnosis). There are also changes to M0016 (Branch ID) that will be effective for assessments completed on or after January 1, 2004. CMS recommends that HHAs download the October 2003 Chapter 8 Revision because some pages have been renumbered since the December 2002 revision. You may access the revised Chapter 8 at either:

- www.cms.hhs.gov/oasis/rev8.pdf, or
- Bulletins on the State OASIS System Welcome Page

- **Appendix C Revised**

Sample clinical record assessment forms and a patient tracking sheet which incorporate the OASIS-B1 (10/2003) data items into the home health agency clinical records are now available in Appendix C of the OASIS Implementation Manual. You may access this at:

www.cms.hhs.gov/oasis/appendc.pdf

OASIS Web-Based Training

CMS has made available an OASIS web-based training that you can access any place (home, office, on the road) you have a modern computer with Internet access. The training is a structured learning approach to help clinicians collect accurate OASIS data. It includes techniques and strategies for conducting an effective comprehensive assessment and detailed instruction on each OASIS data item. Information and Internet access to the training can be found at www.cms.hhs.gov/oasis/hhtrain.asp.

CMS has mailed a CD of the OASIS web training to all HHAs to be used as a secondary source for this OASIS training information.

Home Health Agency (HHA) Roster Report

The HHA Roster Report, which is available through the Online Reporting area of the State OASIS System, was updated this fall. The Roster Report now displays current patients whose most recent assessment is a Start of Care, Resumption of Care, Recertification (Follow-up) or Other Follow-up with an effective date within the last 180 days. This report will not display patients whose latest assessments are Transfers or Discharges or have an effective date of more than 180 days in the past.

Assessment Data Back-Up (MDS and OASIS)

This is a reminder that nursing homes and home health agencies are responsible to have a plan to back up their Minimum Data Set (MDS)/OASIS assessment data on a regular basis. There have been a number of hardware/software failures this past year that have resulted in the total loss of provider's electronic assessment data. Suggestions for back-up of data can be found under the Bulletins area of the State MDS and OASIS System Welcome page.

Sources for OASIS Updates

Home health providers can keep updated on OASIS information by frequently accessing the following sites:

- Bulletins on the State OASIS System Welcome Page
- CMS's "What's New" at www.cms.hhs.gov/oasis/hhnew.asp.

Administrative Rules Update

HFS 132 and 134- “Long Term Care Rule Making Order”

The Department is drafting a Rule Making Order that includes proposed revisions for the following health-facility related rules administered by BQA: HFS 132 “Nursing Homes” and HFS 134 “Facilities Serving People with Developmental Disabilities. You may view the “Statement of Scope” for this long term care rulemaking order on the Department’s website at <http://apps3.dhfs.state.wi.us/admrules/public/Home> or in the Wisconsin Administrative Register published on November 15, 2003 at <http://www.legis.state.wi.us/rsb/code/register/reg575a.pdf>.

Other Bureau of Quality Assurance (BQA) Rule Updates:

The Department’s “Second” 2003 “Omnibus Rule Making Order”

In the interest of keeping our administrative rules up to date, the Department’s Rules Unit is drafting an Omnibus Rule Making Order that includes relatively minor revisions to the following BQA health-facility related rules: HFS 13, HFS 83, HFS 124, HFS 131, HFS 132, and HFS 134. You may view the “Statement of Scope” for the Department’s “Second” Omnibus Rule Making Order on the Department’s web-site at <http://apps3.dhfs.state.wi.us/admrules/public/Search>, or in the Wisconsin Administrative Register published on November 15, 2003 at <http://www.legis.state.wi.us/rsb/code/register/reg575a.pdf>.

For questions about BQA-related rules, contact Cheryl Bell-Marek at (608) 264-9896 or e-mail at bellmcj@dhfs.state.wi.us

Edgewater Nursing Home Staff Complete Dementia Care Specialist Certification

Thirty-seven staff from Edgewater Nursing Home in Port Edwards, including dietitians, maintenance, licensed nurses and CNAs, recently completed a three-tier training program conducted by the Alzheimer's Association of Greater Wisconsin.

Completion of the program results in certification as a Dementia Care Specialist. The certification includes training on basic issues of dementia, physical and psychosocial aspects of dementia, along with advanced experience focusing on team building and leadership roles.

Judy Durkee, a regional director of the Alzheimer's Association of Greater Wisconsin, has been involved in presenting this certification program throughout Wisconsin. She noted that Edgewater Haven is unique as almost the entire facility completed the program.

James Mueller, administrator of Edgewater Haven, stated, "I'm very proud of our staff for taking the time and having the concern to attend three days of training that provided them with the most up to date scientific information and new ideas for providing compassionate care".

A family donation helped fund the training. The family indicated they wanted to donate more than "just a picture on the wall."

For information on hosting a facility or community training, you may call Kim Marheine, the program director of the Alzheimer's Association Greater Wisconsin Chapter, at (920) 727-5555.