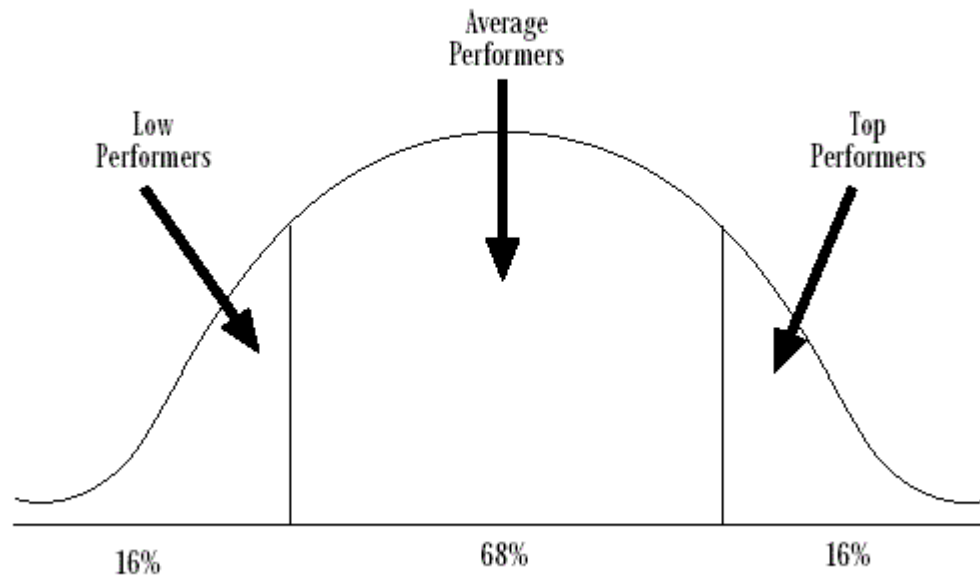




Wisconsin's Assisted Living Regulatory Agency

Focus on both sides of the
“bell curve” has helped lead to an
improved industry

Discussion about the “Left side of the Bell Curve”

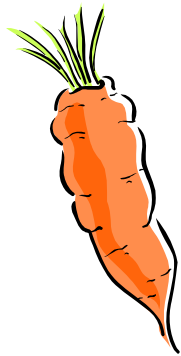
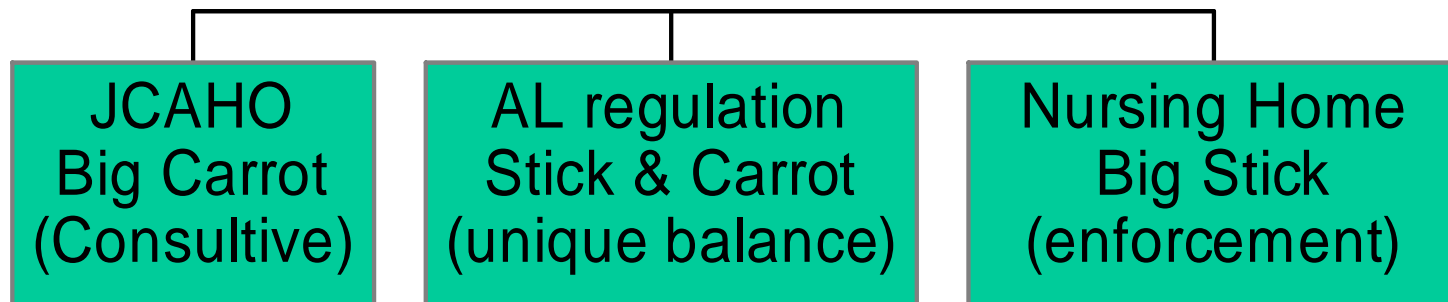


DQA Bureau of Assisted Living Enforcement Strategy

An effective enforcement process **can help move an industry to improved quality...**



Regulatory Rigor

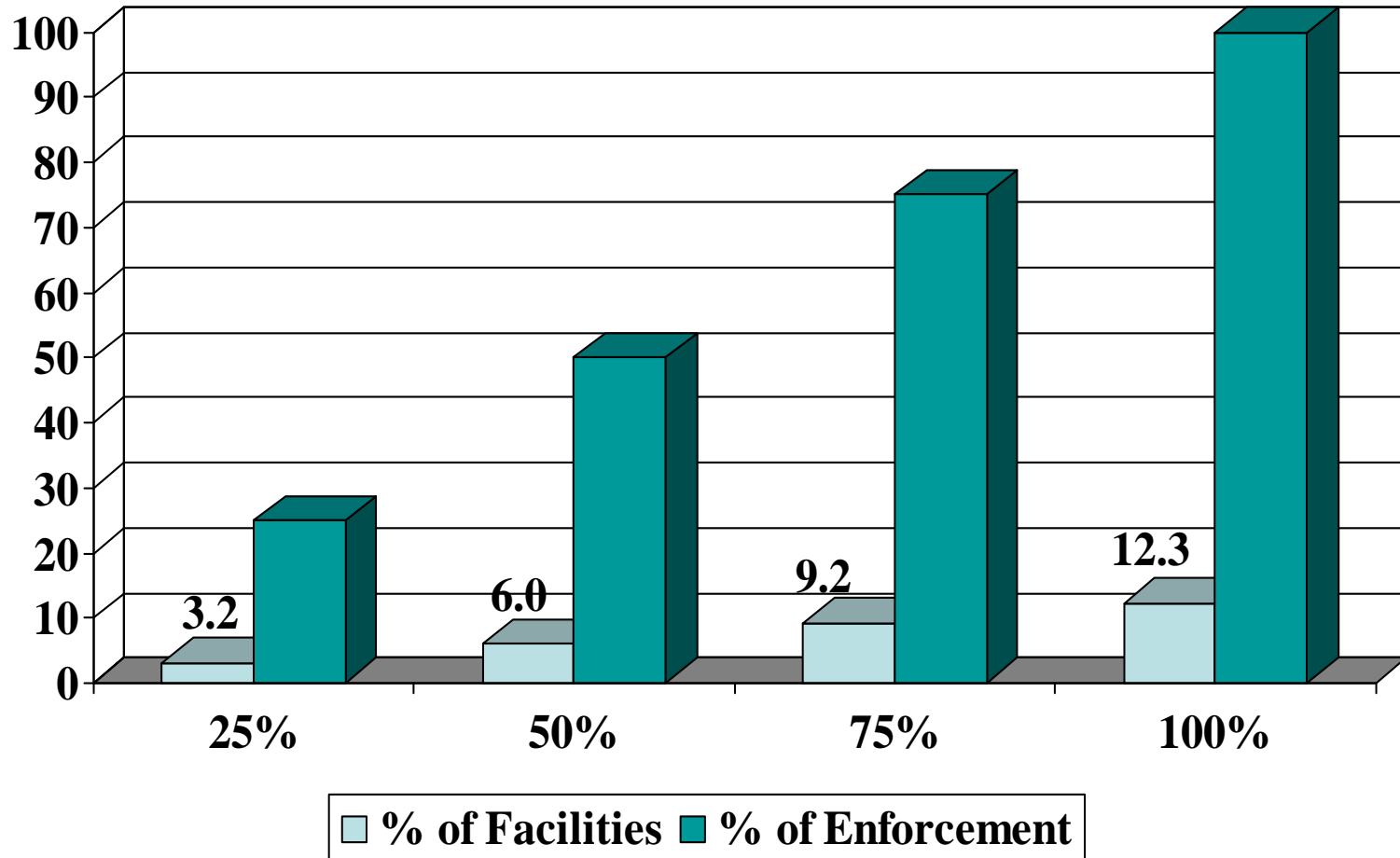


Enforcement Philosophy

Use enforcement to help move the industry to quality

- Use sanctions that can improve systemic concerns so communities can correct and sustain compliance
- Progressive sanctions
- Aggressive action against the communities with persistent or serious non-compliance
- Collaborate with other agencies including Advocates, OCQ, DLTC, Counties, MCOs, DRL, DCF, and DOJ and Attorney General

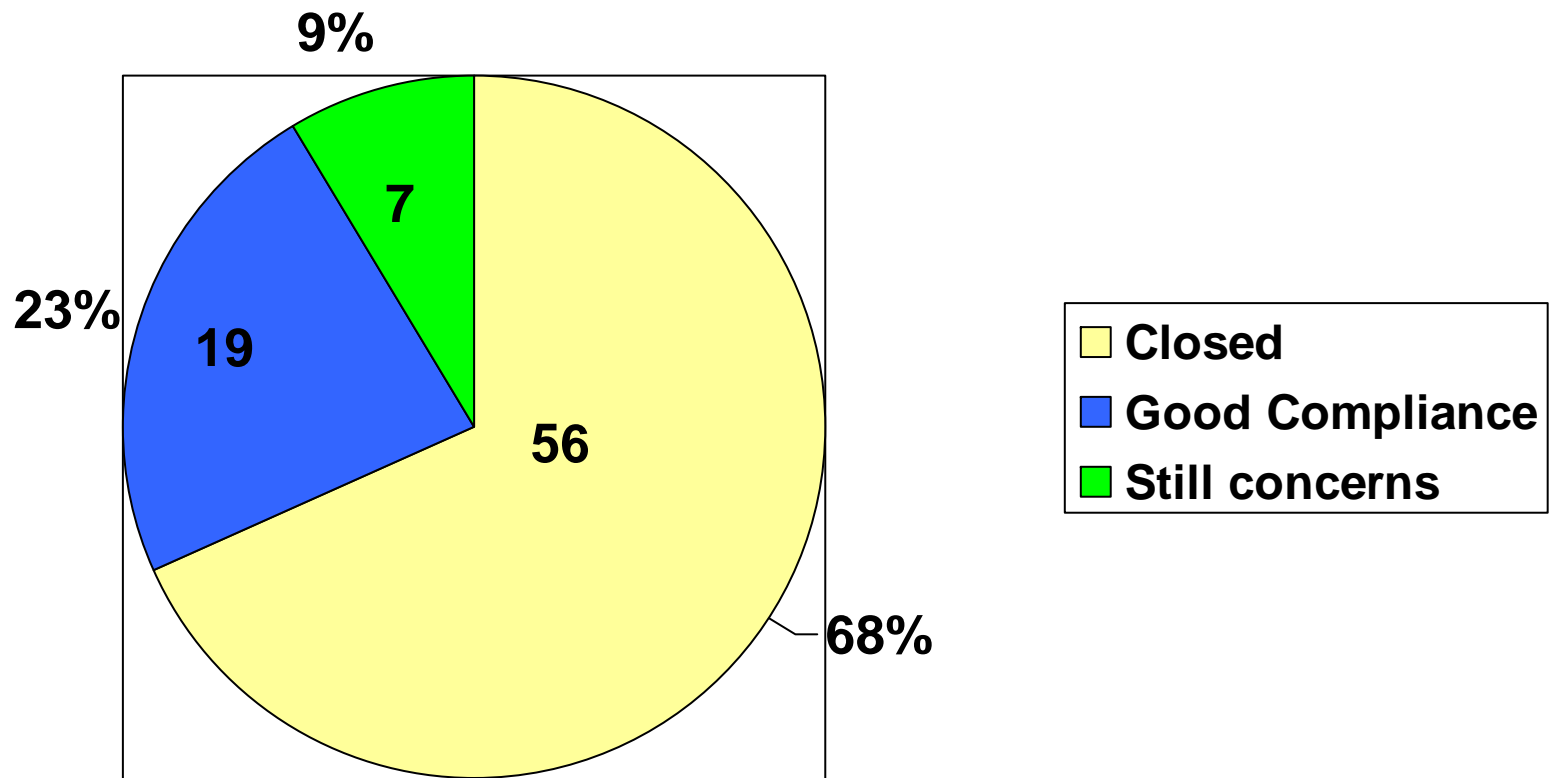
% of Facilities making up % of Enforcement CY 2009



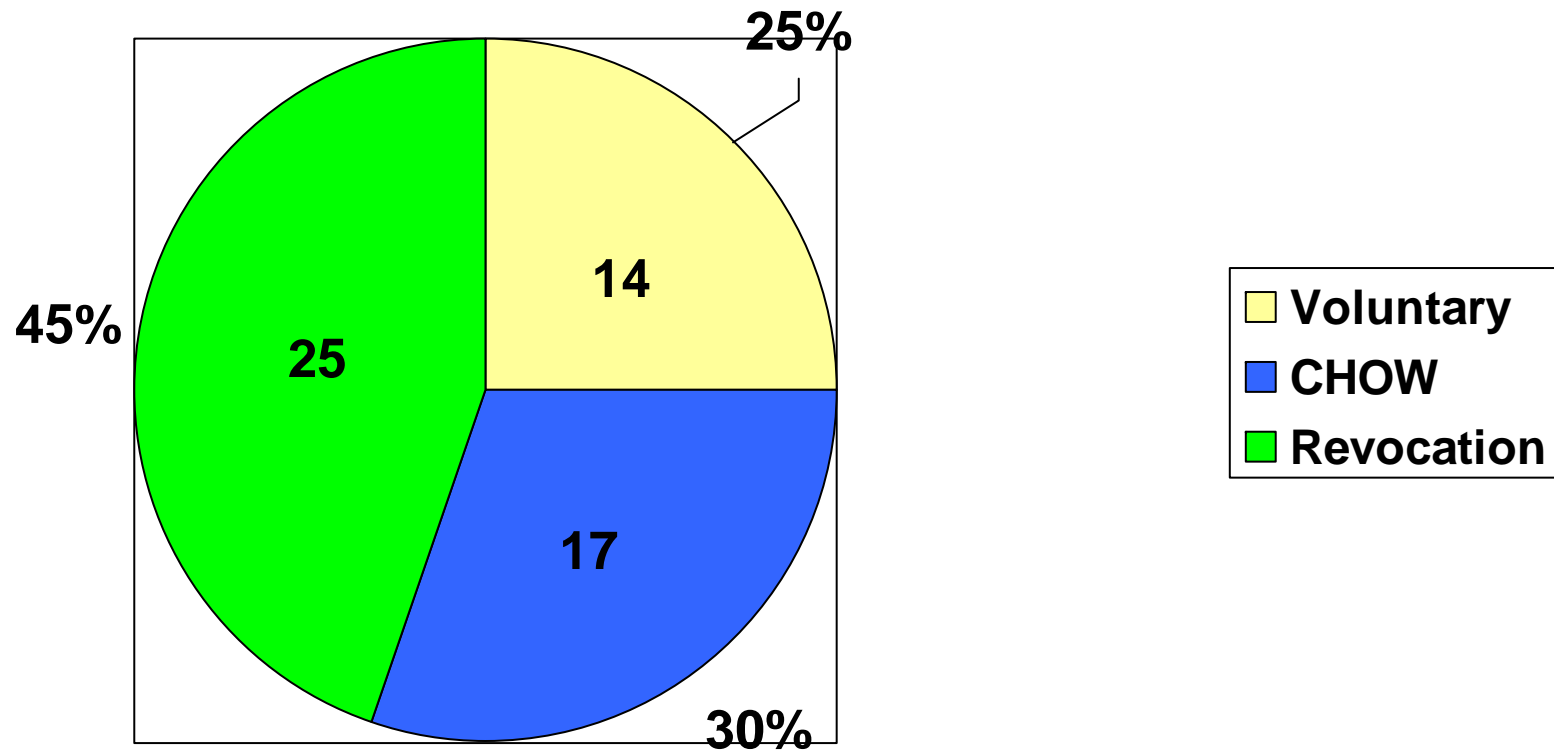
Subgroup Identified in 2004

- Persistent and repeat enforcement action
- Significant enforcement action (impending revocations, revocations, NNAO, high forfeitures)
- 82 communities identified (3%)
- Regional directors implemented a plan
- Surveyors focused their workload on this subgroup
- Regions worked with enforcement specialist on an effective strategy

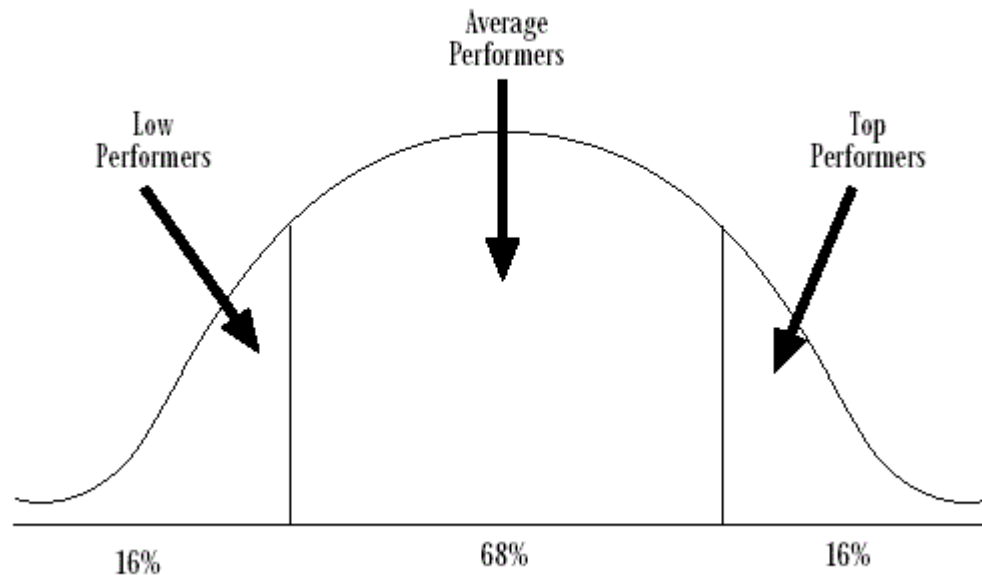
Where are the 82 now?



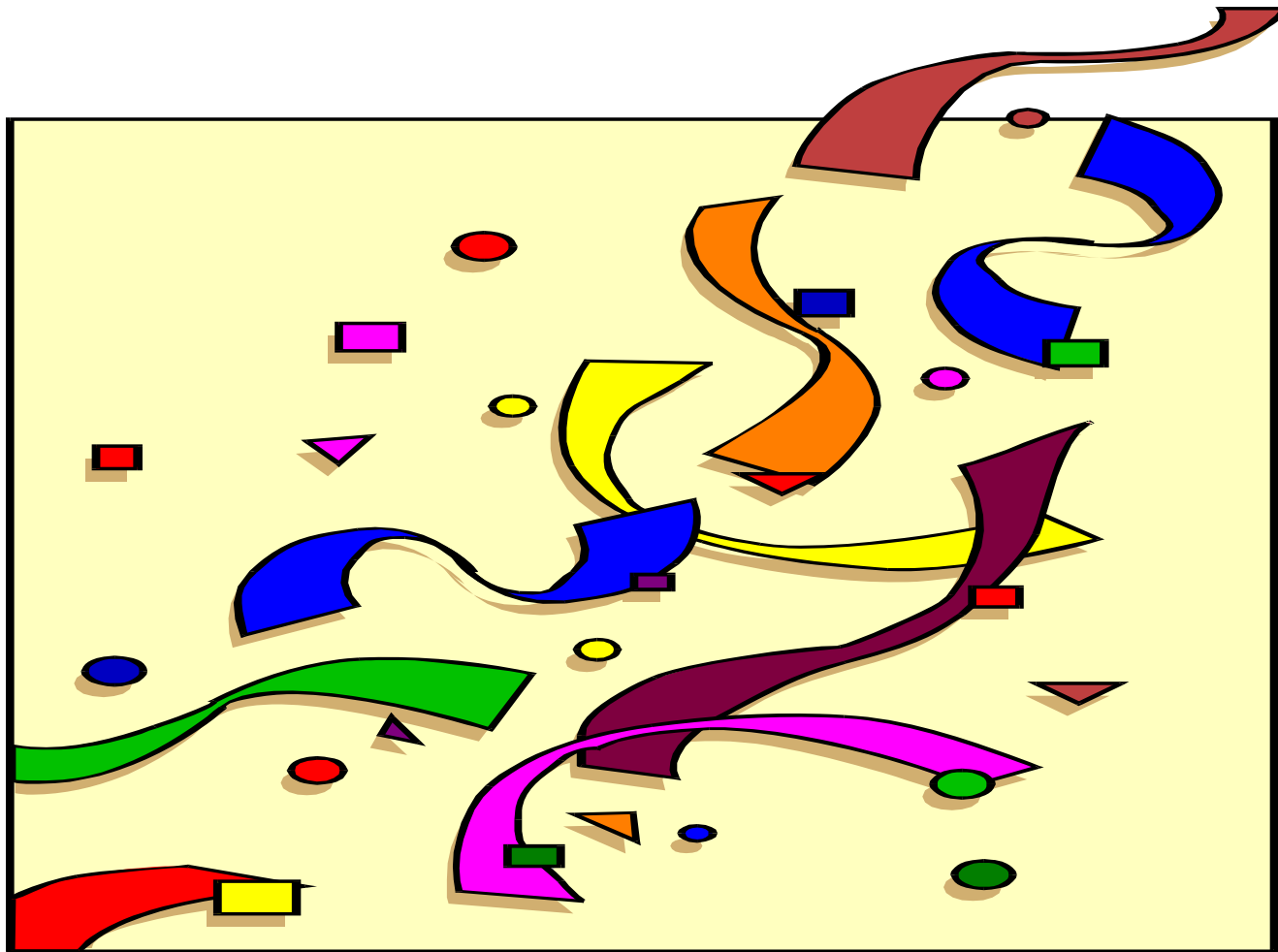
56 Closed Communities (68%)



Discussion about the “Right side of the Bell Curve”



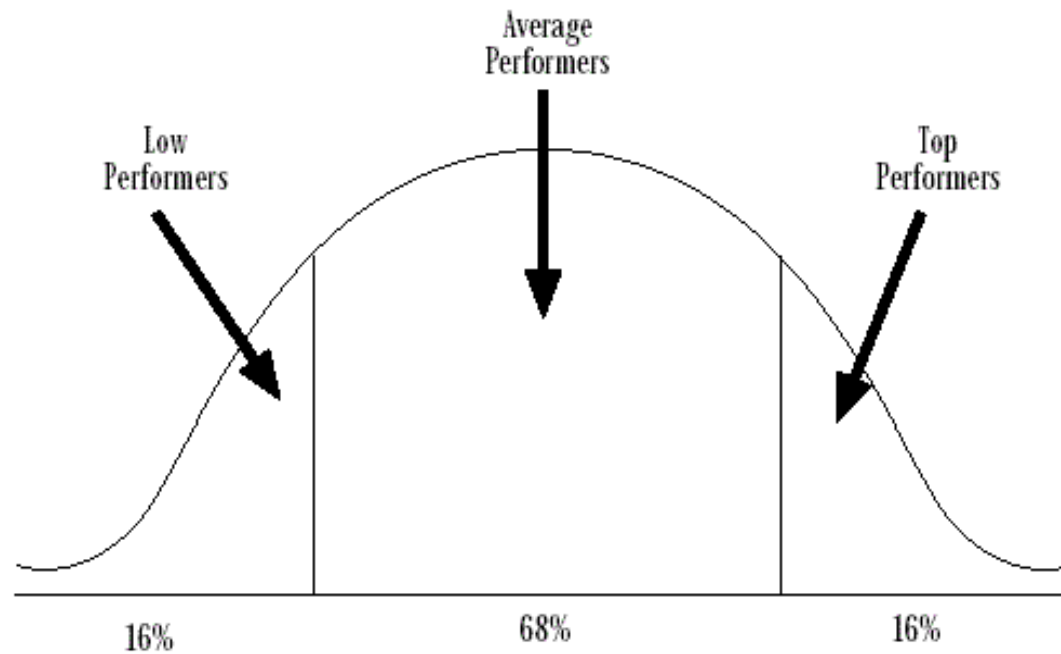
WI Assisted Living 2004 - NEW Survey Process!!



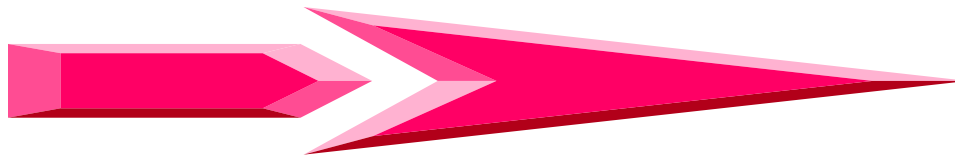
Outcome of Implementing New Survey Process in 2004

- Significantly reduced backlog
- Industry saw value in the recognition of an “abbreviated survey”
- DQA/BAL surveyors helped improved the industry as a regulator and consultant
- Laid the foundation for improved collaboration
- Put DQA/BAL on the national map for regulating assisted living
- Improved the WI Assisted Living industry!

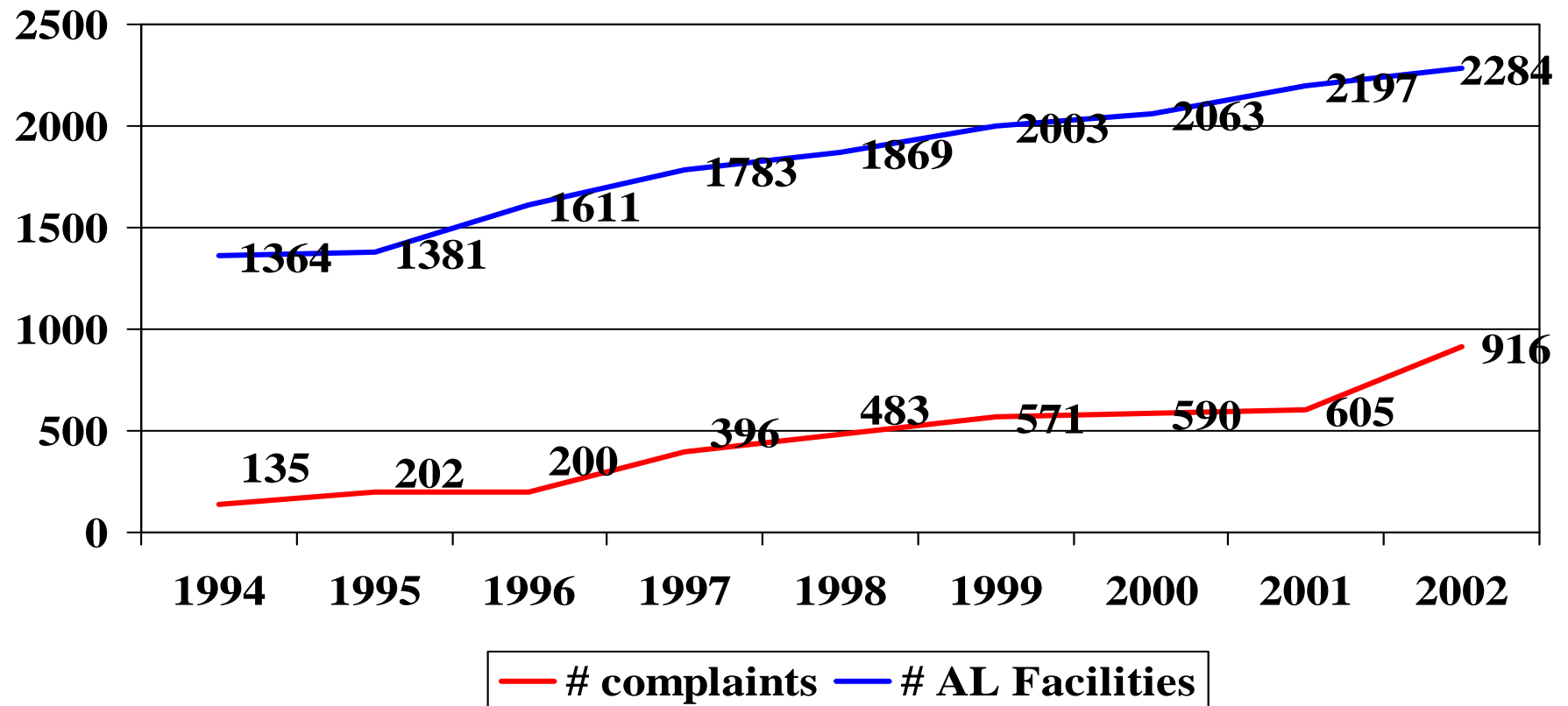
Positive Results by focusing on both sides of the Bell Curve



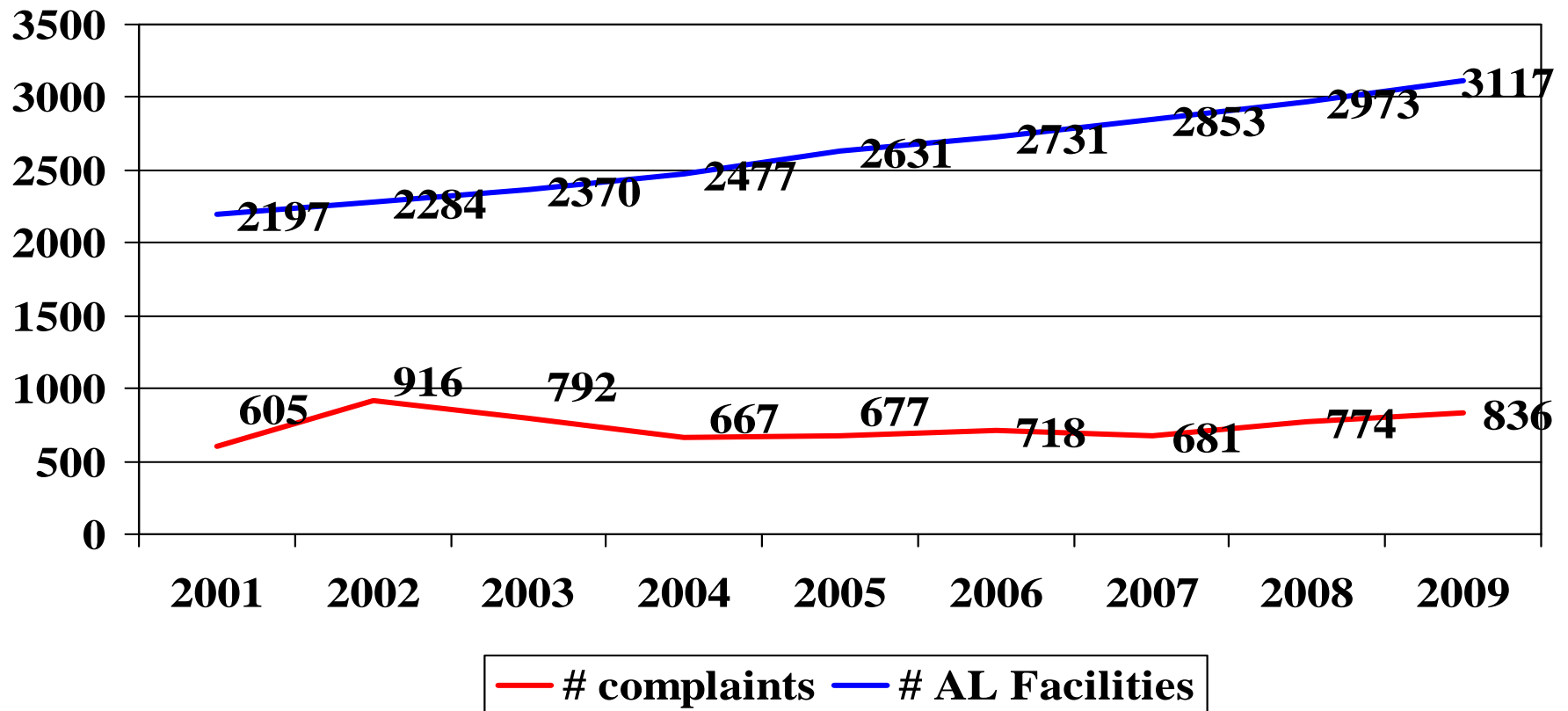
Moving the Bell Curve to the Right...



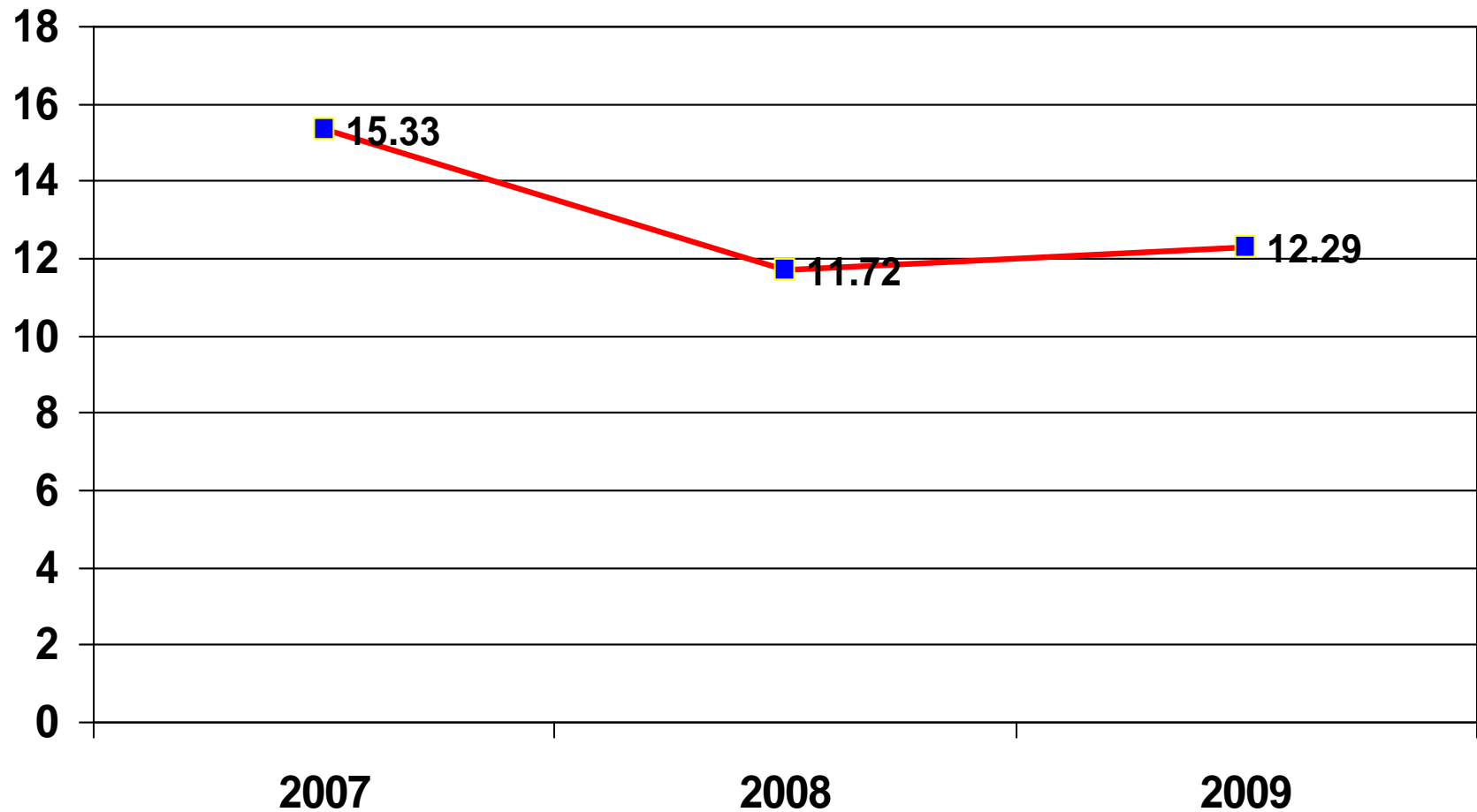
Assisted Living Complaints - before



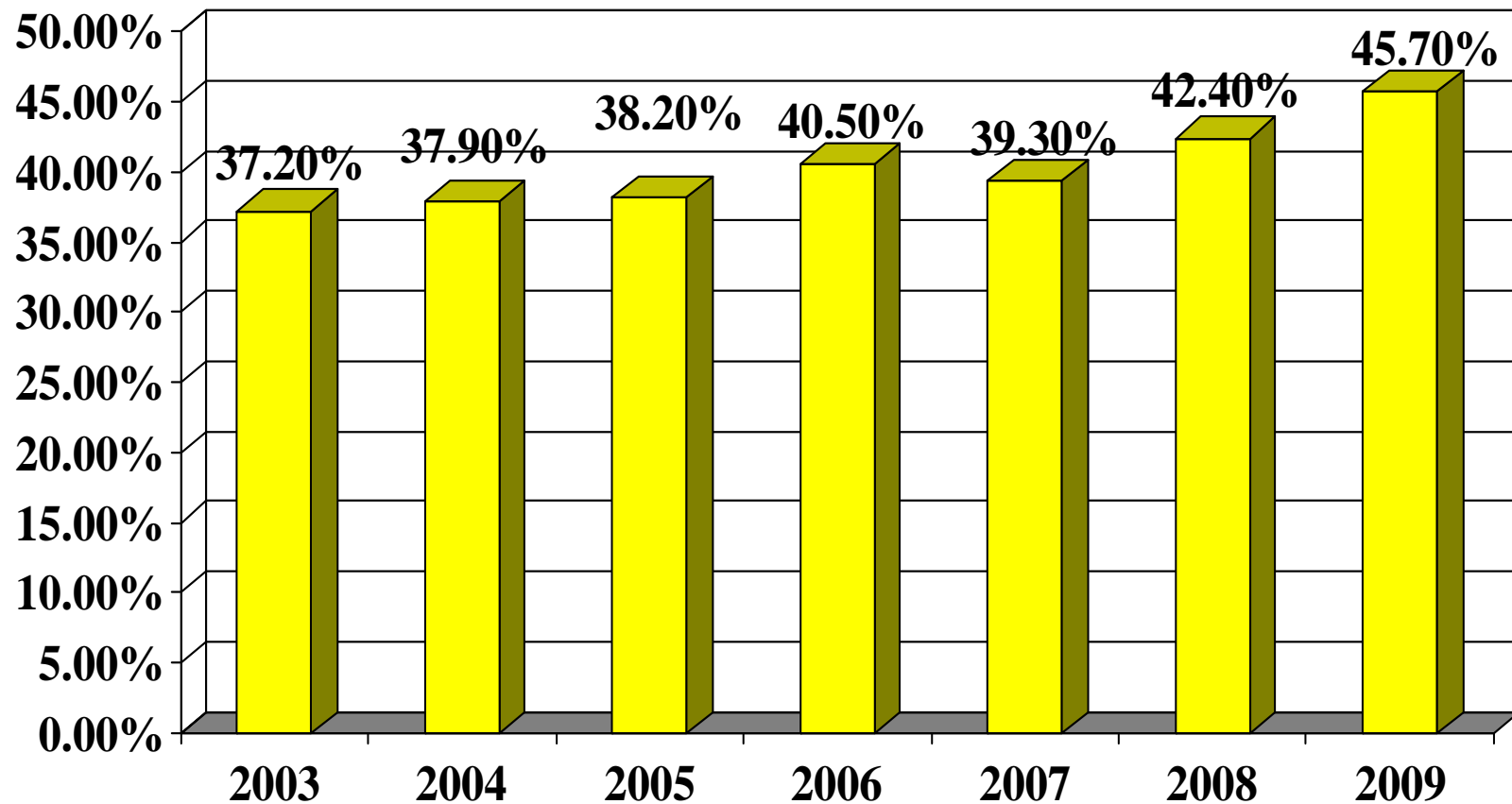
Assisted Living Complaints - now



Facilities making up 100% of the enforcement



An improving industry More Communities Qualifying for an abbreviated Survey



Assisted Living Forum

- Over 100 in attendance, over 1,700 on e-mail list.
1ST Microsoft Live meeting (135 participants)
- AL Forum updates in provider association newsletters and on their websites
- Growing interest in groups getting on the agenda
- Issues discussed are implemented quickly
- Better policy development – everyone involved
- Advisory committee to rule change – Recent rules for Community-Based Residential Facilities implemented 4-1-2009 with broad consensus.

WI Medicaid Program

- Work of DQA is part of the state waiver contract with CMS
- State contract with counties and MCO's includes DQA work as part of Quality Assurance program
- County and MCO contract with providers includes language such as, "requirement to inform when & why DQA in building", "requirement to send copy of plan of correction", etc.
- Swift action when serious enforcement is identified
- Cut off referrals with providers with poor compliance – many leading to voluntary closures

WI Advocacy Agencies

- Better understanding by both agencies of each others roles and responsibilities
- Provides better balance at the Assisted Living Forum
- Joint investigations that have led to better outcomes
- More referrals back and forth
- Focused efforts on areas of common concern

WI Assisted Living Associations

- Annual conferences & regional meetings include training on emerging issues such as “change of condition”, “pain assessment”, “role of nursing in assisted living”, “Top 10 DQA citations”, etc.
- Improved professionalism and respect between the regulatory agency and the industry
- Share information from the Assisted Living Forum to their websites and in their newsletters (including serious enforcement action)
- Taking responsibility for the actions of the industry and working collaboratively to improve the industry.
- Association members are in better compliance
- Communities sending carbon copies of POC and appeals to those on the cc: list

WI Medicaid Fraud Task Force Referrals

- Federal and state law enforcement agencies have a better understanding of assisted living and public funding
- Meetings have lead to a number of prosecutions of caregivers and some corporate agreements
- Medicaid fraud has been identified and stopped
- Powerful message sent to the industry

Workload backlog decrease

- Complaint backlog reduced significantly
- Faster response to serious complaints
- Exceeding initial license deadlines
- Ability to conduct verification visits where we have had significant enforcement

This important work has been accomplished....

- During 4 of the most difficult biennial budgets the state has faced
- During a time of intense streamlining of operations (closure of NRO, decrease in supervisory and central office staff)
- During a time of significant economic downturn

National Recognition



• Association of Health Facility Survey Agencies (AHFSA)
– Promising Practices

- 2003 1st place – Enforcement Manual

- 2004 1st place – Survey Process

- 2005 1st place – Web Based Application

- 2006 1st place – Directed POC and Collaboration

- 2009 1st place – Medication Management & Deferred Revocation

• CMS Promising Practice – Creative Enforcement

• 2007 – Governing Magazine Public Official of the Year

• Working with a number of states regarding AL regulation

Unintended Consequences

- Regulatory agency surveyors have increased ownership in industry improvement
- Better sustainable policies
- Respectful relationships
- Outcome survey parallels increase in acuity
- Very qualified people want to work for BAL regulatory agency
- “Good” communities want to do business in Wisconsin

Ocean liner vs. speed boat



Wisconsin Coalition for Collaborative Excellence in Assisted Living (WCCEAL)

The Next Generation of the WI Survey Process

