



DQA QUARTERLY INFORMATION UPDATE

A PUBLICATION FOR AND ABOUT DQA AND DQA-REGULATED HEALTHCARE PROVIDERS
OCTOBER 2016

TABLE OF CONTENTS

FOCUS 2016: REGISTER NOW!	1
NRO Quarterly Communication Meeting	2
2015 Wisconsin Act 351 – Victim Accompaniment Law ...	2
Nursing Homes – Immediate Imposition of Federal Remedies	2
OASIS-C2 Guidance Manual.....	3
The OASIS Educational Forum: Next Date for HHAs	3
Health Care in the Built Environment Conference: REGISTER NOW!	4
Changes in DQA Staff	4
DQA Numbered Memos	5
CMS Survey and Certification Letters	6
DQA Publications	6



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FOCUS 2016: REGISTER NOW!

BUREAU OF EDUCATION SERVICES AND TECHNOLOGY



Special Session: *The Art and Science of Chronic Disease Management*

FOCUS 2016 Conference: *Teach, Learn, Collaborate*

The Wisconsin Department of Health Services (DHS), Division of Quality Assurance (DQA), is pleased to announce that **registration is now open** for the 15th annual FOCUS Conference!

The conference will be held at the Kalahari Convention Center in Wisconsin Dells on November 16 and 17, 2016. The Focus 2016 Conference is developed in collaboration with health care providers and provider association representatives.

This conference fills up quickly! Register early to secure your preferred breakout sessions. See how below:

- **Registration/Overview of Breakout Sessions**

<http://www.uwsp.edu/conted/confwrkshp/pages/focus/default.aspx>

- **Registration Questions**

Contact UW-Stevens Point Continuing Education at uwspce-conf@uwsp.edu or 800-898-9472.

- **Content or Breakout Session Questions**

Contact Leann Graffin at leann.graffin@dhs.wisconsin.gov or 608-267-1438.

NRO Quarterly Communication Meeting – December 2016

BUREAU OF NURSING HOME RESIDENT CARE

Jessica Radtke, NRO Regional Field Operations Director, will meet with facility management staff from throughout the Northern Region in an informal communication format.

Date: **December 13, 2016**

Time: **1:00 – 3:00 in the afternoon**

Location: **DHS Northern Regional Office and Online via Adobe Connect
Conference Center
2187 N. Stevens St.
Rhineland, WI 54501**

There is no cost to participate and there is no need to confirm attendance prior to the meeting. Online connection information will be sent at a later date.

If there are questions or specific topics you would like addressed at the upcoming meeting, please contact Jessica at jessica.radtke@dhs.wisconsin.gov so that she can ensure the agenda reflects the needs of those attending.

2015 Wisconsin Act 351 – Victim Accompaniment Law

BUREAU OF HEALTH SERVICES

Effective August 1, 2016, [2015 Wisconsin Act 351](#) created a new statutory section, Wis. Stat. § 50.378, granting victims of sexual assault, human trafficking involving a commercial sex act, or child sexual abuse the right to be accompanied by a victim advocate during hospital examinations and consultations. The Act, also known as the **Victim Accompaniment Law**, impacts hospitals, law enforcement, and judicial proceedings. As directed by Wis. Stat. § 50.378(4)(b), the Department of Health Services (DHS) and the Department of Justice have developed guidelines for hospitals to help implement the Victim Accompaniment Law. The guidelines can be accessed online at: <https://www.dhs.wisconsin.gov/publications/p01580.pdf>

Wis. Stat. § 50.378(4)(c) directs DHS to prescribe a form to be used by hospitals that provide emergency services to victims of sexual assault, human trafficking, or child sexual abuse to provide notification to victims and to the parent, guardian, or legal custodian of victims who are minors at least 10 years of age, of their right to be accompanied by a victim advocate under sub. (2). The form, *Patient Rights for Victims of Sexual Assault, Human Trafficking Involving a Commercial Sex Act, or Child Sexual Abuse* (F-01805), addresses both the rights of hospital patients to receive services and information identified in the Victim Accompaniment Law, and information pertaining to emergency contraception as required by Wis. Stat. § 50.375 (which was effective March 28, 2008). The hospital may use this form to notify the victim and/or his or her parent, guardian, or legal custodian of the right to an advocate. The form is available online at: <https://www.dhs.wisconsin.gov/forms/f01805.pdf>

Nursing Homes – Immediate Imposition of Federal Remedies

BUREAU OF NURSING HOME RESIDENT CARE

Since the implementation of the federal enforcement regulations for nursing homes in July 1995, The Centers for Medicare and Medicaid Services (CMS) has not imposed remedies against facilities cited with G-level (actual harm) citations, unless the facility had been cited with actual harm or immediate jeopardy at a previous survey in the

preceding 12 months. CMS gave such facilities an "opportunity to correct." If correction was achieved, CMS did not impose remedies. This practice changed September 1, 2016. With only a few exceptions, nursing homes cited with substandard quality of care (scope/severity F) or actual harm (scope/severity G, H, or I) will no longer have an opportunity to correct before CMS imposes remedies.

Section 7304.1, "Criteria for Mandatory Immediate Imposition of Federal Remedies Prior to the Facility's Correction of Deficiencies," State Operations Manual, identifies five sets of circumstances in which remedies must immediately be imposed. These are:

- Immediate jeopardy citations
- Deficiencies of substandard quality of care that are not immediate jeopardy
- Actual harm citations for deficiencies in:
 - 42 CFR 483.13, Resident Behavior and Facility Practices
 - 42 CFR 483.15, Quality of Life
 - 42 CFR 483.25, Quality of Care
- Actual harm citations at any other regulations where the facility had already received actual harm citations or above on (1) the previous standard or LSC survey or (2) on any survey between the current survey and the last standard survey (These surveys must be separated by a period of compliance.)
- Any special focus facility having a citation at a scope/severity of F or higher

To avoid citations and remedies, we encourage facilities to identify and correct deficiencies when they occur so they can achieve "past noncompliance." Nursing home surveyors will not cite past deficient practices that are not immediate jeopardy if the facility has identified the deficient practice, determined who was or could have been affected, analyzed what occurred to identify the root cause, put measures in place or made systemic changes so the situation will not occur again or affect other residents, and is in compliance with the regulation at the time of survey. In effect, facilities must react to the situation as if they were submitting a plan of correction. Generally, surveyors will not consider past noncompliance if the facility's only action has been to educate the staff person(s) involved in the incident.

Facilities interested in developing a Quality Assurance and Performance Improvement system (QAPI) are encouraged to visit the CMS website at <https://www.cms.gov/medicare/provider-enrollment-and-certification/qapi/qapitools.html> and click on "Tools" and "Resources" tabs on the left side of the page.

OASIS-C2 Guidance Manual

BUREAU OF EDUCATION SERVICES AND TECHNOLOGY

The OASIS-C2 (ICD-10) data set is scheduled to be implemented on January 1, 2017. To use the data set effectively and answer questions accurately, a home health agency (HHA) will need to utilize the *OASIS-C2 Guidance Manual* for this data set.

CMS posted the *OASIS-C2 Guidance Manual* on their CMS.gov website near the end of June and re-posted it at the end of June. There were no changes to the manual between those dates, but CMS noted that several items were not displaying properly with the first posting, especially in Appendix G, which is very important because it summarizes the changes from the OASIS-C1 data set to the OASIS-C2 data set.

To obtain your copy of the *OASIS-C2 Guidance Manual*, scroll to the "downloads" section of the webpage at: <https://www.cms.gov/medicare/quality-initiatives-patient-assessment-instruments/homehealthqualityinits/hhqioasisusermanual.html>

The OASIS Educational Forum: Next Date for HHAs

BUREAU OF EDUCATION SERVICES AND TECHNOLOGY

DQA is continuing to sponsor its free, online educational venue to help Wisconsin home health agencies (HHAs) keep current with evolving OASIS information. Entitled, *The OASIS Educational Forum*, Wisconsin's OASIS education and automation coordinators conduct these live educational offerings on a quarterly basis, presenting the newest OASIS-related information. The next 'Forum' is scheduled for **Wednesday, November 9, at 1:00 p.m.** and

will last approximately 60-90 minutes, depending upon the amount of new content to be presented at that time.

The *OASIS Educational Forum* utilizes an “internet meeting format” via your computer for sharing the updated OASIS information, thereby eliminating travel time for you! If you are new to this computer meeting format, it is highly recommended that you learn more and test your computer for connection compatibility prior to the day of the forum by going to https://connect.wisconsin.gov/common/help/en/support/meeting_test.htm.

On the day of the broadcast, connect online to our “virtual meeting room” broadcast approximately 10 minutes prior to the start of the training at <https://connect.wisconsin.gov/dhsdqaoasis>. Enter the online meeting room as a “Guest,” signing in with the name of your HHA.

To request any specific OASIS-related topics for discussion in the next forum, please send an email to maryjo.sutton@dhs.wisconsin.gov.

And remember, we post our recorded quarterly *OASIS Educational Forum* presentations on our HHA OASIS Information webpage. So, if you missed a forum, watch it here at <https://www.dhs.wisconsin.gov/regulations/hha/oasis.htm>. (Scroll down to the “Education’ tab.”)

Health Care in the Built Environment Conference: REGISTER NOW!

OFFICE OF PLAN REVIEW AND INSPECTION

The Wisconsin Department of Health Services (DHS), Division of Quality Assurance (DQA), Office of Plan Review and Inspection (OPRI), is excited to announce that registration is open for the ***Health Care in the Built Environment Conference***. The conference will be held:

Thursday, October 27, 2016
La Sure's Banquet Hall
3125 South Washburn Street, Oshkosh

Three components that shape the health care built environment are health care delivery models, facility design, and the regulatory environment. This conference brings together all stakeholders engaged in the infrastructure of health care while addressing the common thread of the regulatory model from planning and construction through occupancy.

Topics presented by national experts in their respective fields, include:

- The role of technology and how a successfully constructed project helps build a portfolio and how it cycles back into the business model.
- Meeting the expectations of health care delivery models in the community as well as the individual through the owner's perspective and strategies related to the regulatory model.
- How design teams can meet the owner's expectations for the health care facility while meeting the health, safety, and welfare requirements as determined by the regulatory model.
- Gaining a better understanding and perspective of the essential components of the regulatory model and the role of the Authority Having Jurisdiction (AHJ).

Please visit the conference website for more information and registration:

http://www.uwsp.edu/conted/confwrkshp/pages/health-care-in-the-built-environment-conference.aspx?_sm_au_=invq5wsvn55010gp

Registration ends Monday, October 17, 2016.

Changes in DQA Staff

ADMINISTRATIVE SERVICES UNIT

New Appointment: Pam Granzen, DQA Budget and Policy Analyst – Federal Liaison (CO/Madison)

Pam Granzen began her new role as the DQA Budget and Policy Analyst – Federal Liaison on September 18, 2016, and is located in the Central Office in Madison.

New Appointment: Wendy Daniels, Executive Staff Assistant (CO/Madison)

Beginning October 16, 2016, Wendy Daniels will provide executive support to the DQA Administrator and Deputy Administrator, program support to all DQA staff, and serve as DQA liaison with the executive staff assistants in the DHS Secretary’s Office and similar positions throughout DHS.

BUREAU OF ASSISTED LIVING

New Appointment: Nichole Hall, Health Services Specialist (NERO/Green Bay)

Nichole Hall transferred from the Department of Corrections to the Bureau of Assisted Living as a health services specialist. She began her new duties September 18, 2016, at the Northeastern Regional Office in Green Bay.

New Appointment: David Perkins, Health Services Specialist (SERO/Milwaukee)

David Perkins began his Bureau of Assisted Living surveyor responsibilities October 3, 2016, and will be working out of the Southeastern Regional Office in Milwaukee.

BUREAU OF EDUCATION SERVICES AND TECHNOLOGY

Vicky Griffin, Nurse Consultant 2 (SERO/Milwaukee)

Vicky Griffin began her new role as the DQA Infection Prevention/ESRD Consultant on August 21, 2016.

BUREAU OF NURSING HOME RESIDENT CARE

New Appointment: Ann Angell, Regional Field Operations Director (SRO/Madison)

Ann Angell has been appointed Regional Field Operations Director for the Southern Regional Office of the Bureau of Nursing Home Resident Care (BNHRC). Ann began her position on September 8, 2016.

New Appointment: Tamara Dent Jackson, Nurse Consultant 1 (WRO/Eau Claire)

Tamara Dent Jackson began her new position as a BNHRC Nurse Consultant 1 in the Western Regional Office on October 3, 2016.

DQA Numbered Memos (July, August, September)

More DQA numbered memos can be accessed at <https://www.dhs.wisconsin.gov/dqa/memos/index.htm>.

Number and Affected Provider(s)	Title and Summary
<p style="text-align: center; color: #4169E1;">16-009</p> <p>Replaces Memo 10-002</p> <p>Approved Laboratories and Analysts Performing Alcohol, Controlled Substance, and Controlled Substance Analog Testing for Implied Consent under Wis. Stat. § 343.305(6)(a)</p>	<p>Approved Laboratories and Analysts Performing Alcohol, Controlled Substance, and Controlled Substance Analog Testing for Implied Consent under Wis. Stat. § 343.305(6)(a)</p> <p>The Division of Quality Assurance, within the Department of Health Services, is responsible for approving laboratories and analysts performing testing under Wis. Stat. § 343.305(6)(a). This memo replaces DQA memo 10-002 adding Controlled Substances and Controlled Substance Analog Testing to applications.</p>
<p style="text-align: center; color: #4169E1;">16-010</p> <p>Pain Clinics</p>	<p>Notification of Pain Clinic Certification Program</p> <p>The Department of Health Services, Division of Quality Assurance, is responsible for certifying pain clinics. Effective March 17, 2016, 2015 Wisconsin Act 265 places certification requirements for pain clinics to operate as defined in Wis. Stat. ch. 50.</p>

CMS Survey and Certification Letters (July, August, September)

Listed below are Survey and Certification (S&C) Letters distributed by The Centers for Medicare and Medicaid Services (CMS) since our last issue was published. The CMS Internet site for reviewing all memos is located at <http://www.cms.gov/medicare/provider-enrollment-and-certification/surveycertificationgeninfo/policy-and-memos-to-states-and-regions.html>.

Number and Affected Provider	Title and Summary
16-30-OPO Transplant	Notice of Proposed Rulemaking (NPRM) for Organ Procurement Organizations (OPOs) and Transplant Centers
16-31-NH	Mandatory Immediate Imposition of Federal Remedies and Assessment Factors Used to Determine the Seriousness of Deficiencies for Nursing Homes
16-32-ESRD	Preconfigured Hemodialysis Systems—NxStage System One with Pureflow SL
16-33-NH	Protecting Resident Privacy and Prohibiting Mental Abuse Related to Photographs and Audio/Video Recordings by Nursing Home Staff
16-34-ICF/IID	Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) Appendix J and Exhibit 355: Removal of Website Links
16-35-LSC	Revisions to the State Operations Manual (SOM), Appendix I
16-36-HHA	Extension and Expansion of the Provider Enrollment Home Health Agency (HHA) Moratoria
16-37-ALL	Office of Civil Rights (OCR) Clearance
16-38-ALL	Notification of Final Rule Published—Emergency Preparedness
16-39-ALL	Certification Number (CCN) State Codes—State Operations Manual (SOM) Section 2779A Revisions
16-40-NH / HHA / CLIA	Notice of Interim Final Rule (IFR) Adjusting Civil Monetary Penalties (CMPs)

DQA Publications (July, August, September)

Listed below are DQA publications that have been newly created during the past quarter. DQA publications can be accessed online at <https://www.dhs.wisconsin.gov/publications/index.htm>.

Number	Title	Date
P-01449	Annual Report – OPRI	07/2016
P-01559	Non-Certified Individuals in Delivery of Non-Hands-On Services	08/2016
P-01580	Guidelines for Victim Advocate Accompaniment During Hospital Exams and Consultations	09/2016