



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

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Budget deliberations stall over slots – Budget deliberations have come to a standstill as the Governor and Senate are at loggerheads over the use of slot machines to generate over \$900 million in additional money. The Senate is refusing to permit the placement of slot machines at horseracing tracks noting that Ohioans have repeatedly rejected casino-style gambling at the polls. Instead, the Senate is calling upon the Governor to use his power of executive order to allow the slots. The Governor has stated that the General Assembly needs to enact a law in order for companies to be willing to make the investment. Also, the Governor has made it clear that the slots are part of his "budget framework" and if the Senate chooses not to use the slots as a source of revenue, then the Senate should put forth a budget plan on their own. The result of the bickering is a seven-day budget that funds core services and reduces other appropriations by 30 percent of their seven day fiscal year 2009 levels. For skilled nursing facilities, this means the provider will be paid the same rate for services during July 1, 2009 to July 7, 2009 as paid on June 29, 2009. While most of the differences between the House and Senate versions of the bill have been resolved, the House has already prepared another seven-day interim budget in preparation of a continued stalemate. For more information on the budget, please contact [Chris Murray](#) or [Victoria Gresh](#). ([Back to top](#)).

Time is running out to register for Fire Prevention – Are you registered for the upcoming "Fire Prevention: Safety & Code Enforcement?" If not, register today as this popular regional education class is just around the corner. This class will review common fire code citations and answer questions specific to your facility. Each class will feature both a Fire Safety Educator and a Code Enforcement Official from the Ohio Department of Commerce Division of State Fire Marshal. Fire Prevention: Safety & Code Enforcement will be held from 10 a.m. to 3 p.m. and will include lunch. This class has been approved for four (4) hours of CEU from BENHA. Academy members may attend this popular program for \$89 and non-members may attend for \$129. A member facility may send three employees for the discounted price of \$199, a savings of \$68! This is great opportunity for administrators, maintenance directors and nursing staff to learn together how to make their facilities safer.

- **Columbus – Tuesday, July 14**
Confluence Park Restaurant
679 W. Spring Street
Columbus, Ohio 43215
- **Cleveland – Thursday, July 16**
Holiday Inn Independence

6001 Rockside Road
Independence, Ohio 44131

- **Cincinnati – Wednesday, July 22**
Kings Island Resort and Conference
5691 Kings Island Drive
Mason, Ohio 45011

Watch your fax and email for more information or you can register online at

<http://www.oanh.org/educationalofferings.shtml>. For questions, contact [Dawn Kennedy](#). [\(Back to top\)](#).

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 Memos**

- [09-43: American Recovery and Reinvestment Act of 2009 \(Recovery Act\) Ambulatory Surgical Center Healthcare-Associated Infection \(ASC-HAI\) Prevention Initiative \(6/12/09\)](#)
CMS and States will improve quality assurance of ASCs during FY 2009 and FY 2010 by implementing a new survey process to promote better infection control practices. Approximately \$10 million is available to states for this purpose over the course of the two years. By June 30, 2009, CMS requests that states volunteering for implementation in 2009 submit key information to CMS. CMS plans to make allocations to states in July 2009 for implementation of the improved survey process in the last quarter of FY 2009. In FY 2010 all State Survey Agencies (SAs) will be required to implement the improved survey process and to survey about one-third of the ASCs as a high (Tier II) priority. SAs may receive Recovery Act funding to offset the additional costs of these surveys. Recovery Act funds may not be used to support work already required by CMS.
- [09-44: Use of Civil Money Penalty \(CMP\) Funds by States and Reporting of CMP Funds Returned to the State \(6/19/09\)](#)
The purpose of this memorandum is to clarify that states may direct collected CMP funds to entities other than nursing homes as long as funds are used in accordance with statutory intent; share innovative practices that states may want to consider when making decisions about how CMP funds can be directed and used to improve the quality of care and life for nursing home residents; and announce that CMS will consider reporting CMP amounts that have been returned to each state.
- [09-46: Release of Report “Evaluation of the Quality Indicator Survey \(QIS\)” \(6/24/09\)](#)
This memo announces the release of the “Evaluation of the Quality Indicator Survey (QIS)” and the posting of the Executive Summary on the Centers for Medicare & Medicaid Services’ (CMS) website and outlines an Action Plan for future QIS Evaluation Initiatives

- **Nursing Home Guidance Revisions**

[Transmittal 48, CMS Manual System, Pub. 100-07 State Operations Provider Certification](#), was released on June 12. It contains the changes to the interpretive Guidance at F172, F175, F241, F242, F247, F252, F256, F371, F461 and F463. Tag F255 has been deleted and the regulatory language is moved to F461.

- **Next SNF Open Door Forum**

The next Skilled Nursing Facilities (SNF)/Long Term Care (LTC) Open Door Forum is scheduled for Thursday, July 9, 2009 from 2 to 3 p.m. If you wish to participate, dial 1-800-837-1935; Conference ID 16841907.

- **Medicaid Regulations Rescinded**

The U.S. Department of Health and Human Services (HHS) Secretary Kathleen Sebelius announced that the Administration will rescind all or part of three Medicaid regulations that were previously issued and delay the enforcement of a fourth regulation. Each of these rules, in whole or in part, had been subject to Congressional moratoria set to expire on July 1, 2009. [View the full announcement here.](#) [\(Back to top\)](#).

Don’t get “benched” at the convention – Make sure you don’t get “benched” at the 2009 sports-themed OANH Annual Convention & Trade Show by not having a sleeping room. All attendees will be treated like all-stars, but it’s likely a few will have to sit on the bench because they didn’t reserve sleeping room early! Sleeping rooms are going quickly, so reserve yours today! The 2009 convention will be held Wednesday - Friday, October 21-23, 2009 at the Hilton Columbus at Easton. The Academy has negotiated a special discounted rate of \$172 per room/per night. To make a reservation call the Hilton at 614/414-5000 and mention the **group code OAN**. [\(Back to top\)](#).

“Where is our vendor? I didn’t see them at the convention.” – Don't let convention attendees say this about YOUR company. Attendees notice who is represented at the annual trade show and who isn't. Having a booth or being a sponsor shows Academy members that even in challenging economic times, you support their organization. Although many booths are already reserved, a few great spots are still available, so reserve your 2009 Trade Show booth today! The 2009 OANH Convention & Trade Show will be held Oct. 21-23, 2009 (Wednesday - Friday) at the Hilton Columbus at Easton. Trade show hours will be very similar to the 2008 show.

Booth prices are as follows:

- **Regular Booth Pricing**
OANH Member: \$975
Non-Member: \$1,075
- **Premium Booth Pricing**
Regular: \$1,275

The 2009 Exhibitor & Sponsor Prospectus has been mailed. The prospectus and contracts for 2009 are available via the [OANH website](#), or you can contact [Dawn Kennedy](#) to reserve your booth. ([Back to top](#)).

Form 9401 information – The Ohio Department of Job & Family Services (ODJFS), in response to questions relating to Form 9401 and hospices, issued the following statement: All Medicaid providers are required to comply with all requirements in Chapter 5101:3-1 of the Ohio Administrative Code (OAC) per paragraph (D) to OAC 5101:3-56-04. Paragraph (H) of this same rule require hospices to arrange for another entity to furnish services to the hospice's consumer when the hospice cannot provide services to the consumer and "This arrangement must include a signed agreement and this agreement must remain on file at the hospice agency." It would be a good practice to include how the transfer of specific information (patient liability and current Medicaid nursing facility rate) was to be accomplished and validated, e.g., via a courtesy copy of the 9401. Paragraph (I) of this same rule require hospices to "Have a signed agreement with the nursing facility, the ICF-MR, the general inpatient facility, and/or the inpatient respite care facility in which the consumer resides and/or receives services. This agreement must remain on file at the hospice agency and contain, at a minimum, the following:...(3) A delineation of the role of the hospice and the facility in the admissions process, patient/family assessments, and the interdisciplinary group (IDG) conferences; ...". The delineation of the role of the hospice and the facility in the admissions process would be a good place to specify how the transfer of specific information (patient liability and current Medicaid nursing facility rate) was to be accomplished and validated, e.g., via a courtesy copy of the 9401. ([Back to top](#)).

It's back...QIS returns – Register now for the upcoming **“Intermediate QIS.”** This is a much-requested follow up to the highly successful “Basic QIS” courses that were held in Cleveland, Columbus and Cincinnati during the month of March. “Intermediate QIS” will be from 8:30 a.m. to 4 p.m. on Tuesday, August 18 in Columbus and will feature speaker Cindy Mason, LNHA. It will expand on your basic QIS knowledge and take you to the next level of understanding. This class is generously sponsored by Medline. Participants in “Intermediate QIS” should have attended “Basic QIS” or have a basic knowledge of the QIS process. Watch your fax and email for more information or you can register online at <http://www.oanh.org/educationalofferings.shtml>. For questions, contact [Dawn Kennedy](#). ([Back to top](#)).

Notes from the Monthly Provider meeting – Representatives from the long-term care trade associations met with state officials and other interested parties this week to discuss survey and certification issues. The following are highlights from the meeting:

- The Ohio Department of Aging explained that there is a delay in the resident satisfaction survey due to the delay in the state budget and that once the budget is approved, the department will move forward with the survey. The questions on this survey will be similar to the previous survey.
- Gas generators and their requirements were discussed. ODH is recommending that providers obtain a letter from their natural gas provider regarding liability. Both ODH and the LTC trade associations are seeking more clarity from CMS regarding this.
- Concerns were raised about new surveyors citing facilities inaccurately. ODH recommended if this occurs to work with the survey team coordinator and if necessary file an IDR.
- The requirement that AL staff have training by a fire marshal every year was discussed and ODH clarified while the training is required, it can be given by the local or state fire marshal or other qualified persons as listed in RCF Ruling 63.
- An issue was raised regarding TB tests for AL staff and if the test can occur within 30 days of

their anniversary, does this mean 30 days before or after. ODH clarified that it can occur 30 days before or after.

- The recent enforcement of DEA rules regarding controlled substances was discussed and ODH made aware of this issue. There are concerns about this enforcement and its affect on nursing homes and RCFs. This issue is being examined on a national level and more information should be available soon.
- Concerns were raised regarding facilities not being given survey satisfaction forms by their surveyors. ODH confirmed that a facility should be given this form at the beginning of a survey. Any facility that has issues regarding a surveyor is encouraged to contact their survey ombudsman, association or ODH.

For more information please contact [Dawn Kennedy](#). ([Back to top](#)).

Ohio legislative and government directories available – Get involved and be active in the legislative process! The Academy can help you with your grassroots efforts by providing free copies of the 2009 Ohio Legislative and Government Directory. This directory contains a listing of Ohio's elected representatives: United State Senators and Representatives, Ohio Senators and Representatives, Governor, Lieutenant Governor and others, as well as committee information for both the Senate and House and Cabinet Member information. If you or your facility would like copies, please email [Christina O'Neal](#) at the Academy. To find out how to get more involved through the OANH Political Action Committee or to find your state representative or senator, go to <http://www.oanh.org/politicalactioncommittee.shtml>. ([Back to top](#)).

Educate your staff on residents' rights – If your staff needs a refresher course on residents' rights, order your booklets from the Academy today. The booklets include the Ohio Revised Code, sections 3721.10 through 3721.17 and 3721.19, and Code of Federal Regulations, Title 42, subsections 483.10, .12, .13 and .15. The Academy is currently offering the booklets (5 ½" x 8 ½") for \$1 per booklet for members and \$1.50 for non-members. Shipping costs do apply. To purchase the booklets, go to <http://www.oanh.org/rrb.shtml>. For more information, contact [Christina O'Neal](#) at the Academy. ([Back to top](#)).