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December 17, 2012

**Happy Holidays  
from LeadingAge Oregon!**

**OF SPECIAL NOTE**

**Update on 2012 General Election results**

As we head into the 2013 Legislative Session to begin February 4, it's a good time to once again connect with your elected officials, especially if they are newly elected. [Access the Legislative Brief](#) containing all the election results, including identification of newly elected legislators by district (4 in the Senate and 13 in the House), the impact of redistricting, results of ballot measures and information on campaign contributions.

**More detail provided on Governor's Requested Budget**

The full [Governor's Requested Budget \(GRB\)](#) and [DHS's Summary of the GRB](#) released on November 30th did not provide much detail on the budget proposals impacting Aging and People with Disabilities (APD). Additional information received by LeadingAge Oregon indicates that, unlike the past several proposed budgets, the APD budget does not contain cuts due to savings generated through federal options and initiatives proposed by APD. A summary of the saving proposals and the budget items, including the estimated provider rates and plans for the nursing facility provider tax (which includes removing exemptions for CCRCs), are contained in [LeadingAge Oregon's Legislative/Budget Brief](#).

**STATE NEWS**

**DHS to implement new nursing home/hospice Medicaid payment process Jan. 1**

Effective Jan. 1, DHS is implementing a new payment process for nursing facility residents on Medicaid who elect hospice. Under the new process, DHS payments for nursing facility room and board will go to the hospice provider, which in turn will pay the nursing facility. The change is mandated by federal regulations; Oregon has been out of compliance with the regulations for years. Although DHS will pay hospice providers 95 percent of the basic rate for nursing facility room and board, hospice providers may elect to pay 100 percent or more, depending on their contracts with nursing homes. Access a [Quick Guide](#) on the payment process change. Also, if you missed either of the webinars reviewing the new process, they are available on Youtube: [Access Webinar 1](#) (for NFs). [Access Webinar 2](#) (for NFs and Hospice together).

**Nursing homes won't be paid complex medical for preventable conditions**

Under new DHS rules mandated by federal law, nursing home providers will no longer be paid Medicaid complex medical add-on for certain conditions that were caused by the provider, or "Provider Preventable Conditions." These conditions include Stage III and IV pressure ulcers; falls and trauma; poor glycemic control; medication errors and catheter-associated urinary tract infections. Providers will be responsible for identifying and reporting the Provider Preventable Conditions using a new error code in MMIS. In addition, Jane-Ellen Weidanz from DHS said the agency will be doing more reviews of complex medical add-on, which has recently risen from 7-8 percent of Medicaid nursing home residents to around 15 percent.

**Long Term Care Community Nursing Services proposed rules hearing scheduled**

DHS has filed [proposed rules](#) to revise the Long Term Care Community Nursing Rules (formerly known as Contract RN Services) to create the opportunity for home health or in-home agencies to also provide community nursing services to increase access to such services. The proposed rules also clarify the roles between the RN providing the service, the individual's case manager, and health professionals; provide more detail on the services that may be provided and documentation and billing requirements; and update the definition of eligible persons. Additionally, a DHS letter to the Medicaid Long Term Care Quality and Rate Advisory Committee (MLTCQRAC) documents that the unit rate (15

minutes) will go from \$11.25 to \$15.00 to correct a problem relating to activities not allowed for Medicaid reimbursement. A hearing has been scheduled for January 16 at 2:30 p.m. in the Human Services Building; Rm. 160, Room 160.

### **New APS rules will help abuse investigators access health and financial records**

DHS has revised rules related to how medical or financial records may be obtained during an adult protective services (APS) investigation. Under section 411-020-123 of the new rules, a health care provider may release protected health information to APS to prevent or lessen a serious and imminent threat to the health or safety of an individual or the public. [Read the revised rule.](#)

### **NFs, ALFs and RCFs assessed fee to bolster DHS Facility Fund**

DHS is assessing a special fee on nursing, assisted living and residential care facilities to maintain the required minimum fund balance in the Facility Fund. The Facility Fund covers expenses when DHS must establish a trusteeship to take over operation of a facility when the owners fail to adequately ensure the health and welfare of residents. Two recent trusteeships have depleted the fund. Nursing facilities and memory care communities will pay an amount equal to a full-year licensing fee; ALFs and RCFs will pay an amount equal to one half of their two-year licensing fee. Invoices, which facilities should have already received, are payable by March 1.

### **DHS updates ALF/RCF Policy and Procedure checklist**

DHS has posted a new Policy and Procedure checklist for ALFs and RCFs, to include new required policies related to sexual assault and gifts from residents. [Access the updated checklist.](#)

### **Better Nursing Home Care Fund grant proposals due February 7**

The Oregon Community Foundation is once again seeking proposals for grants from the Better Nursing Home Care Fund. Approximately \$25,000 is available via one or more grants. Preference will be given to proposals for innovative projects to improve the quality of life, health and overall wellbeing of nursing home residents. Applicants will be notified by May 31 of funding decisions. [Read more and access the proposal application form.](#)

### **Nursing assistant quarterly staffing report file updated**

DHS has posted a new Excel spreadsheet for the Nursing Facility Nursing Assistant Quarterly Staffing report for 2013. The new file is available on the [Administrator Alert web page.](#)

### **CMS, DHS assure nursing homes that Hand in Hand dementia training really is free**

Both the Centers for Medicare and Medicaid Services (CMS) and Oregon Department of Human Services (DHS) have issued notices assuring nursing homes that the "Hand in Hand" dementia training series that is being mailed to all nursing homes are, indeed, free of charge. Apparently some nursing homes around the country are refusing delivery because the materials are being distributed by a contractor, and the nursing home operators fear that they will be charged for something they did not order. CMS created the Hand in Hand training materials to help nursing homes train CNAs on dementia care and abuse prevention.



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## **NATIONAL NEWS**

### **HUD contract administrator awards once again delayed**

HUD has once again delayed awarding contracts for Performance-based Contract Administrators (PBCA) due to more lawsuits filed that seek yet another rebidding process. Colleen Bloom of LeadingAge says it's a safe guess that there will be no awards until late February, and a full rebid will mean everything will remain status quo for quite a while beyond that. In the meantime, HUD is extending the existing PBCA contracts (including that of Oregon Housing and Community Services) in increments of three months at a time. Management and Occupancy Reviews (MORs) remain

completely suspended.

### **Nursing home corporate compliance deadline March 23**

Under the Affordable Care Act, Medicare and Medicaid certified nursing homes are required to have in operation a compliance and ethics program that is effective in preventing and detecting criminal, civil and administrative violations and in promoting quality care. With the deadline to have a plan in place by March 23, 2013, nursing home providers need to develop a basic plan now. LeadingAge will present a one-hour webinar outlining the essential structure and elements of an effective compliance program on **January 16 at 11:00 a.m. Pacific time**. [Read more about the webinar](#).

### **HUD issues, then revises, income limits**

HUD created significant confusion this past week by issuing FY2013 income limits on Dec. 4 and then revising them Dec. 11. Owners have 45 days to implement the revised income limits. Anyone who implemented the Dec. 4 limits can either immediately implement the revised limits or revert back to the 2012 limits and implement the new 2013 limits within 45 days.

Providers around the country have been chagrined by the drop in income limits (including in Oregon, where the median family income on which limits are based dropped from \$63,900 to \$58,400). In 2010, HUD dropped its longstanding "hold harmless" policy which prevented limits from dropping. However, HUD does have caps on how much the income limits can rise or drop (in general, 5 percent per year). [Access the 2013 income limits](#).

### **Nonprofit updates and resources**

- **Charitable deductions:** If you have not already done so, be sure to contact your Congressional representatives to impress on them the importance of maintaining the income tax deduction for charitable giving, more important than ever as nonprofits continue to take the lead in reaching out to those in need.
- **Communicating your role:** A Johns Hopkins survey offers a common set of words and concepts to help nonprofit organizations communicate their role and value to society. [Access the "What do Nonprofits Stand For? survey report](#).

### **Consumer guide published to prevent financial abuse of elders**

The National Center on Elder Abuse has published a new consumer guide, "Protect Your Pocketbook" that maps out risk factors, warning signals and prevention strategies for financial exploitation of elders. According to the guide, financial exploitation is under-reported and hard to prosecute, and is often perpetrated by family members. The consumer guide can be [downloaded](#) from the web or ordered online through the [Eldercare Locator website](#). Copies can also be ordered by calling 1.800.677.1116.

### **Free caregiver training tools offered for abuse and neglect prevention**

The Wisconsin Caregiver Abuse and Neglect Prevention project has developed an extensive set of training tools that long-term care providers across the country can use to train caregivers on the topic of abuse and neglect prevention. The resources include a [DVD that can be ordered](#) (for a \$5 shipping fee) as well as [classroom training materials](#) for direct caregivers, supervisors and managers, and [experiential training materials](#) so participants can role-play scenarios and their responses. Nursing homes and assisted living facilities looking for quality educational materials for in-services on this important topic are encouraged to review and consider using these training resources.

### **Report: CCRCs must expand standard offerings to reach new consumers**

An analysis by Life Care Services called "The CCRC Consumer of the Future" suggests that CCRCs may need to introduce unconventional approaches into their standard operations to attract future consumers, including Baby Boomers. According to the LCS white paper, new consumers are looking for:

- Features, programs and services that support their continued independence and active lifestyle
- Residences that are close to music, the arts and cultural offerings - and also bring the outside world into the community
- Communities that emphasize sustainability and "green" practices
- Individualized programs of wellness and healthcare, along with more choices in the care that is offered.

[Order the LCS paper.](#)

## **LEADINGAGE OREGON NEWS**

### **Value First Update**

Did you know that when your community signs up with Value First Group Purchasing not only does the community benefit from discounted pricing on millions of products, but the employees of that community can benefit from personal savings too? Value First offers employees of partner communities discounts with:

- Armstrong Relocation
- AT&T
- Avis Rent a Car
- Bekins Moving & Storage
- Nextel
- OfficeMax
- Sherwin Williams
- Sprint

For more information on Value First, how your community can participate, and scheduling a cost analysis, contact Karen Nichols, LeadingAge Oregon, [knichols@leadingageoregon.org](mailto:knichols@leadingageoregon.org).

**Mark your calendars for upcoming educational programs!** See the [Education Page](#) on the LeadingAge Oregon website for fliers for the following educational workshops and webinars:

**January 30, 2013:** Alternatives to Antipsychotics: Activity-based Interventions for Difficult Dementia Behaviors

**Feb. 7-8, 2013:** Navigating the MDS 3.0: RAI Training for Nursing Facility Staff

**April 4, 2013:** Dementia Care Education: Strategies for Understanding, Preventing and Managing Behavior Problems