Reception Room

- Good morning! The meeting will start shortly.
- Participants are muted on entry.
- Check the chat box: Information about the training, including information about how to access captions and view the slides, is available there.



- To view captions for this event: You can view captions in Teams by clicking the More (...) button in the Teams window, then "Language and Speech," and choose "Turn on live captions."
- If you have any technical issues, please visit the Microsoft support page for Teams or email Health.HRDCommunications@state.mn.us.



Nursing Home Regulatory Updates July 2024

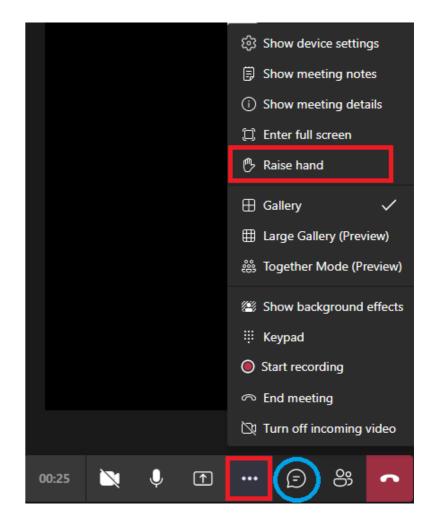
Tennessen Warning

- The Minnesota Department of Health is hosting this joint regulatory training for providers of long-term care and Health Regulation Division staff.
- Your comments, questions, and image, which may be private data, may be visible during this event. You are not required to provide this data, and there are no consequences for declining to do so.
- The virtual presentation may be accessible to anyone who has a business or legal right to access it. By participating, you are authorizing the data collected during this presentation to be maintained by MDH. MDH will be posting a recording of this meeting to our YouTube channel.
- To opt out of the presentation, please exit now.



How to Ask a Question

- Participants are muted. We will answer as many questions as we can at the end of the presentation.
- Two ways to ask a question or provide a comment:
 - 1. Raise your hand (outlined in red).
 - 2. Click the Chat bubble (circled in blue) to open the chat.
- For phone attendees, press *5 to raise your hand, and
 *6 to unmute/mute yourself.
- We will select speakers in order and add questions from the chat at the end of the presentation.



Agenda

- Welcome & Updates
- Citations | Complaint Quarterly Review
- CMS QSO Memos
 - Admin 24-14 Plan of Correction
 - NH 24-13 Revised guidance for LTC Facility Assessments
- Nurse Aide Registry Online Renewals & Website Updates



Welcome

Maria King Health Regulation Division Director

Sarah Grebenc
Executive Regional
Operations Manager





Provider Feedback Questionnaire

- Thank you for continuing to complete HRD's Feedback Questionnaire!
 - Provided during recertification and complaint surveys on the Federal and State side.
 - Goal is to expand to other federal provider types.
- MDH uses the information to make improvements to our processes.

Feedback Questionnaire About Your Experience

The Minnesota Department of Health (MDH) and the Health Regulation Division (HRD) values your feedback about your experience during the survey/evaluation or investigative process. This questionnaire supports MDH'S culture of learning and collaborative safety by providing opportunities for facilities and providers to give MDH their perspectives about MDH's procedures, how MDH representatives communicated and whether the facilities and providers felt heard.

Please fill out this anonymous questionnaire and it will go to the Planning and Partnership Office in the Health Regulation Division. Your feedback is important to MDH, and your perspective will help identify ways for us to improve our procedures and communication. In addition, the summarized anonymous data from all feedback questionnaires received will be made available on the HRD Website. If you want to discuss any of your responses further, please contact

<u>susan.winkelmann@state.mn.us</u> in the Planning and Partnership Office or call 651-201-5952.

Note: If you have specific concerns about an individual MDH Employee, we invite you to bring those concerns

7/16/2024 health.state.mn.us



Electronic Records and LTCSP

- ✓ Long Term Care Survey Process (LTCSP)

 surveyors will need access to
 electronic records.
- ✓ Prefer electronic copies vs paper copies.
- ✓ Will ask for electronic copies in the entrance conference.
- ✓ Encrypted email.





Plan of Correction & Survey Cycles

Date of Correction & Survey Cycles:

- Be mindful and do not place the correction date too far out.
- There is potential of ongoing noncompliance if another survey/complaint is conducted before a revisit can take place.
- Ends when all surveys have been corrected vs. compliance of one survey in an ongoing cycle.
- Surveyors should NOT tell you if you are "in compliance". They may not be aware of all ongoing noncompliance in the survey cycle.
- Surveyors can say the tags they were looking at were "corrected".
- Enforcement letters.
- Enforcement cycles are determined by survey/complaint exit dates not compliance dates.
- Life Safety surveys/complaints are included in these cycles.



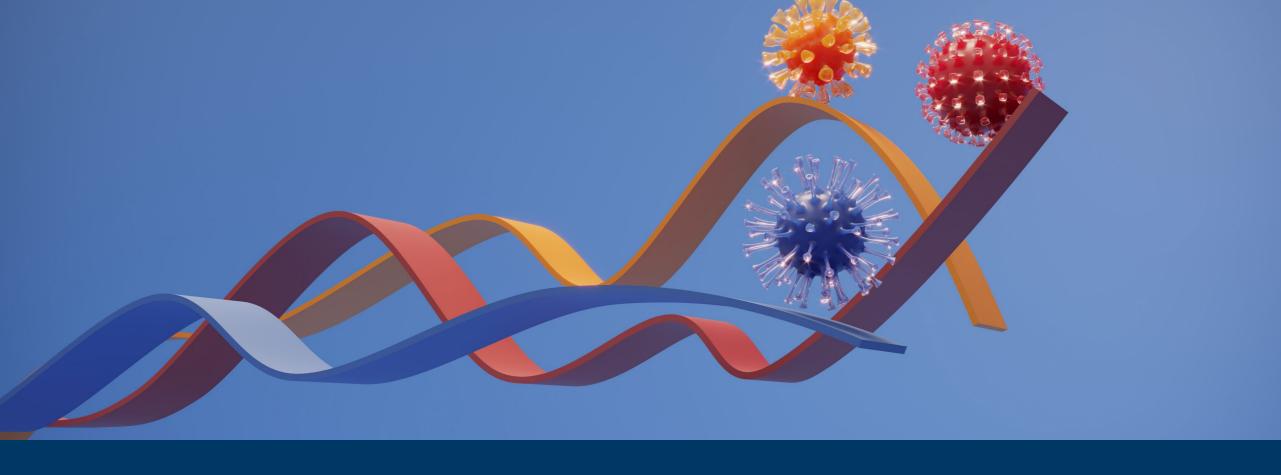
Internet Quality Improvement & Evaluation System

Beginning in May 2021, State Survey Agencies (SAs) and CMS locations began a phased transition to the Internet Quality Improvement and Evaluation System (iQIES), which is an internet-based system that includes survey and certification functions.



iQIES Resources

- iQIES Help (https://iqies.cms.gov/iqies/help)
- <u>iQIES Welcome and Quick FAQs Job Aid (PDF)</u> (https://iqies.cms.gov/iqies/static/assets/Welcome-Letter.8c42a29693e3b9849910.pdf)
- <u>iQIES User Roles Matrix (PDF) (https://iqies.cms.gov/iqies/static/assets/User-Roles-Matrix.9223937ab09dba138673.pdf)</u>
- iQIES Training You Tube (https://go.cms.gov/iQIES_Training)



Citations | Complaints

Sarah Grebenc | Federal Executive Operations Manager



Top Tags Cited in 3rd Quarter FFY24

- ✓ F880 Infection Control
- ✓ F689 Free of Accidents/Supervision
- √ F684 Quality of Care
- ✓ F883 Influenza and Pneumococcal Immunizations
- ✓ F884 Reporting National Health Safety Network
- ✓ F812 Food Procurement

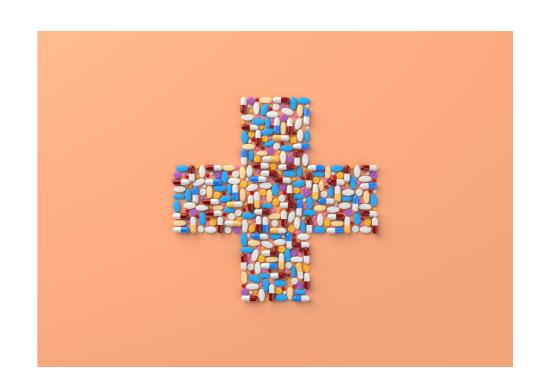
 Store/Prepare/Serve- Sanitary

- ✓ F656 Development Comprehensive Care plan
- ✓ F686 Treatment Prevent Heal Pressure Ulcers
- √ F609 Reporting Alleged Violations
- ✓ F554 Resident Self-Admin Medications
- ✓ F677 ADL Care for Dependent Residents



Complaints 3rd Quarter FFY24

- 2153 total Complaints and Facility Report Incidents (FRI's) received for all provider types.
- Nursing homes received 650 Complaints and 1015 FRI's
- 192 triaged as an Immediate Jeopardy
 (IJ) complaints for all provider types.
- 146 were triaged as IJ for Nursing Homes
- 18 IJ's were called in nursing homes
 - 5 called on recertification surveys
 - 13 called on complaint investigations





IJs cited in 3rd Quarter FFY24

F610 Investigation/Prevention of

F684 Quality of Care

Abuse

F689 Free from Accidents

F578 Formulate Advanced Directive

Hazards/Supervision/Devices

F600 Free from Abuse and Neglect

F760 Free from Significant

Medication Errors

F678 Cardio-Pulmonary

Resuscitation

F803 Menus meet Resident

Needs/Prep in Advanced/Followed



QSO Admin Info 24-14 -All

Kathy Lucas | Federal Regional Operations Manager

QSO Admin Info 24-14-All (1/6)

Date: June 6, 2024

Subject: Revisions to the Review and Approval of Plans of Correction (POCs) and CLIA Allegations of Compliance (AOCs) | CMS



QSO Admin Info 24-14-All (2/6)

MEMORANDUM SUMMARY

- When noncompliance is cited at a level that requires a mandatory onsite revisit (per existing CMS policy and procedure), CMS and/or the State Survey Agency (the "State") will obtain a POC/AOC for the cited noncompliance.
 - For Acute and continuing care providers, an onsite revisit is required when a deficient practice is cited higher than a standard level (condition or immediate jeopardy).
 - For skilled/nursing facilities- An onsite revisit is required when a facility's: beginning survey finds deficiencies that constitute substandard quality of care, harm, or immediate jeopardy.
 - For CLIA, an onsite revisit is required per guidance of Admin Info: 24-09-CLIA

QSO Admin Info 24-14-All (3/6)

MEMORANDUM SUMMARY

- CMS and States should prioritize the revisit survey as the primary means of assessing compliance, rather than reviewing multiple submissions of a POC/AOC for approval.
- If CMS or the State are unable to approve a POC/AOC after two submissions by the facility or lab, they should reach out to the facility or lab to confirm their readiness and intention to request a revisit, which should then be scheduled accordingly.

QSO Admin Info 24-14-All (4/6)

DISCUSSION

- Due to the higher number of serious allegations and resulting serious findings, there has been an increase in POC/AOC review as well as required onsite revisits for CMS and state agencies.
- Facilities should develop effective POCs/AOCs in good faith, including performing root cause analyses and implementing QAPI principles that will lead to sustained compliance.
- if CMS or the State are unable to approve a POC/AOC after two submissions, they should reach out to the facility or lab to confirm their readiness and intention to request a revisit and then perform a revisit survey.

QSO Admin Info 24-14-All (5/6)

DISCUSSION (continued)

- After 2 submissions of the POC/AOC and the facility or lab has verified its readiness for a revisit, surveyors will return for the onsite revisit, this may be prior to the POC/AOC being accepted.
- The date of compliance will be the POC completion dates indicated on the most recent POC submitted (as verified during the onsite revisit).
 - As a state agency, we do not expect to have this scenario occur very often;
 we have typically been able to accept a POC/AOC by the second submission.

QSO Admin Info 24-14-All (6/6)

THIS GUIDANCE DOES NOT APPLY TO:

- The removal plan process for an Immediate jeopardy situation.
- Providers and suppliers who have been imposed a Directed Plan of Correction (DPOC) as an enforcement remedy.
- Surveys with deficiencies that only require a desk review of a POC to determine allegation of compliance.
- Initial certification process.
- Other surveys that do not require an onsite revisit (only applies to onsite revisits).



Revised Guidance for Long-Term Care Facility Assessment Requirements

QSO 24-13 NH

Shannon Gilb | Federal Regional Operations Manager

Objectives

- ✓ Discuss updated guidance related to Facility Assessment Requirements.
- ✓ Implementation of requirements.
- ✓ How MDH be surveying these changes.



health.state.mn.us

Summary of the Memorandum

- Under the "Minimum Staffing Standards for Long-Term Care (LTC) Facilities and Medicaid Institutional Payment Transparency Reporting" final rule, the requirements for Facility Assessment have been revised. These revised requirements have been moved to 42 CFR 483.71. Existing regulations at 42 CFR 483.70(f) through (q) have been redesignated as paragraphs (e) through (p), respectively.
- CMS is issuing revised guidance for State Survey Agencies and long-term care facilities(LTC) on the revised requirements.
- Provisions must be implemented by 8/8/24.

Definitions

- "Competency" refers to a measurable pattern of knowledge, skills, abilities, behaviors, and other characteristics in performing that an individual needs to perform work roles or occupational functions successfully.
- "Representative of direct care employees" is an employee of the facility or a third party authorized by direct care employees at the facility to provide expertise and input on behalf of the employees for the purposes of informing a facility assessment.

Changes to F838- Facility Assessment (1/4)

- The facility must conduct and document a facility-wide assessment to determine what resources are necessary to care for its residents competently during both day-to-day operations (including nights and weekends) and emergencies.
- §483.71(a)The facility assessment must address or include the following: §483.71(a)(1) The facility's resident population, including, but not limited to:
- (ii) The care required by the resident population, using evidence-based, data-driven methods that consider the types of diseases, conditions, physical and behavioral health needs, cognitive disabilities, overall acuity, and other pertinent facts that are present within that population, consistent with and informed by individual resident assessments as required under § 483.20;
- (iii) The staff competencies *and skill sets* that are necessary to provide the level and types of care needed for the resident population;

Changes to F838- Facility Assessment (2/4)

- §483.71(a)(2) The facility's resources, including but not limited to *the following*:
- (iii) Services provided, such as physical therapy, pharmacy, behavioral health, and specific rehabilitation therapies;
- (iv) All personnel, including managers, nursing and other direct care staff (both employees and those who provide services under contract), and volunteers, as well as their education and/or training and any competencies related to resident care;



Changes to F838- Facility Assessment (3/4)

- §483.71(a)(3) A facility-based and community-based risk assessment, utilizing an all-hazards approach as required in §483.73(a)(1).
- § 483.71(b) In conducting the facility assessment, the facility must ensure: § 483.71(b)(1) Active involvement of the following participants in the process:
 - (i) Nursing home leadership and management, including but not limited to, a member of the governing body, the medical director, an administrator, and the director of nursing; and
 - (ii) Direct care staff, including but not limited to, RNs, LPNs/LVNs, NAs, and representatives of the direct care staff, if applicable.
 - (iii) The facility must also solicit and consider input received from residents, resident representatives, and family members.

Changes to F838- Facility Assessment (4/4)

- §483.71(c) The facility must use this facility assessment to: §483.71(c)(1) Inform staffing decisions to ensure that there are a sufficient number of staff with the appropriate competencies and skill sets necessary to care for its residents' needs as identified through resident assessments and plans of care as required in § 483.35(a)(3).
- $\S483.71(c)(2)$ Consider specific staffing needs for each resident unit in the facility and adjust as necessary based on changes to its resident population.
- $\S483.71(c)(3)$ Consider specific staffing needs for each shift, such as day, evening, night, and adjust as necessary based on any changes to its resident population.
- §483.71(c)(4) Develop and maintain a plan to maximize recruitment and retention of direct care staff.
- $\S483.71(c)(5)$ Inform contingency planning for events that do not require activation of the facility's emergency plan, but do have the potential to affect resident care, such as, but not limited to, the availability of direct care nurse staffing or other resources needed for resident care.

Implementation of F838- Facility Assessment (1/2)

"Evidence-based, Data-driven methods"

- ✓ QAPI (Tracking and trending)
- ✓ EMR reports
- ✓ PBJ
- ✓ Customer Service Surveys
- ✓ Resident Feedback
- ✓ Community resources
- ✓ MDS



Implementation of F838- Facility Assessment (2/2)

Facility leadership

- Member of the Governing Body, Medical Director, Director of Nursing, and Administrator.
- Solicit and Consider input from Direct Care Staff, Residents, and Resident Representatives
 - RNs, LPNs, Nas.
 - Dietary teammates, Life Enrichment Assistants, others?
 - "The environmental operations manager, and other department heads (i.e., the dietary manager, director of rehabilitation services, or other individuals) should be involved as needed."

How?

- Distributing a questionnaire related to staffing to residents/families.
- Placing convenient suggestion boxes throughout the facility for anonymous input.
- Providing annual notices for soliciting input to residents and families prior to conducting the annual review and update of the facility assessment.
- Review during resident/family council if the council elects to.
- Direct resident and resident representative interviews.
- Departmental/All-Staff Meetings.

F838- Facility Assessment: The Survey Process (1/3)

- Evidence-based, Data-driven methods.
- Recruitment and retention strategies for direct care staff.
 - Maintain sufficient staffing levels with the requisite skills and competencies needed to deliver high-quality care consistently.
- Ensure active involvement from leadership, direct care staff, and input from residents and families.
 - Capture diverse perspectives and ensure that all aspects of resident care are adequately addressed in staffing plans and resource allocations.
- Critical Element Pathways impacted by changes.
 - Extended Survey.
 - Infection Prevention Control and Immunization.

F838- Facility Assessment: The Survey Process (2/3)

- Resident population assessment.
 - Number of residents and the facility's resident capacity.
 - Resources needed have been identified including equipment, supplies, services, personnel, health information technology, and physical environment.
 - Behavioral health needs.
 - Factors that affect access to care and health outcomes related to health equity.
- Use of the facility assessment to determine staffing levels and competencies.
 - Overall number of facility staff needed.
 - Specific shifts.
 - As identified through resident assessments and care plans.
 - Competency based approach including those who provide services under contract and volunteers.

F838- Facility Assessment: The Survey Process (3/3)

Updates and review of the facility assessment occur:

- As necessary and at least annually (i.e., facility changes, admission criteria).
- Additionally, the facility must consider specific staffing needs for each shift (i.e., day, evening, night, weekend shifts) and for each resident unit in the facility based on changes to resident population.

Evaluation of the facility's training program

- Training needs are met for all new and existing staff *including managers, nursing and other direct care staff*, individuals providing services under a contractual arrangement, and volunteers, consistent with their expected roles.
- Policies and procedures may be required in the provision of care and that these meet current professional standards of practice.
- Required components vs. quality of assessment.

F838- Facility Assessment: Deficiency Examples

Example 1: Fall from Lift

• A review of the current Facility
Assessment did not include or
address equipment necessary to
provide for the needs of
residents and did not have active
involvement of direct care staff
in the process.

Example 2: Change in Resident Population

 Admission of residents with dietary restrictions and no changes made to Facility Assessment.



Nurse Aide Registry Online System

Kia M. Moua | Federal Licensing, Certification and Registration Supervisor



Nurse Aide Registry – what does this mean?

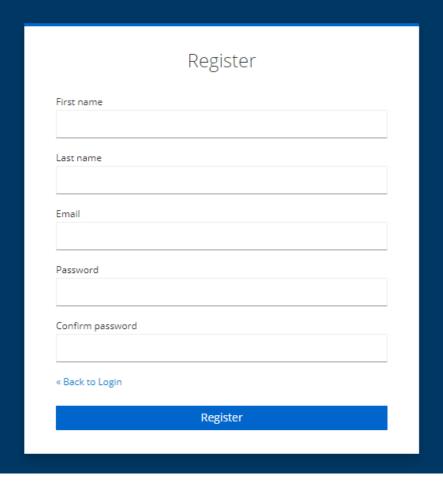
MINNESOTA NURSE AIDE REGISTRY Sign in to your account Email Password Forgot Password? Sign In New user? Register

- Active/inactive nurse aides will need to register to create an account to access their information and perform tasks.
- Newly tested nurse aides will receive an automated response once on the registry.
- Nurse aides endorsing from another state will need to create an account, upload supporting documents and submit their application online.
- Nursing Home and Certified Boarding Care Home facilities will need to register an account to do staff reporting.
- To begin, select "Register" at the bottom of the login screen.



Registration

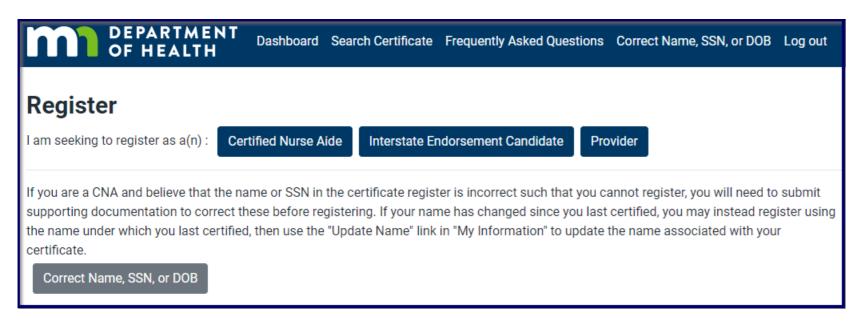
MINNESOTA NURSE AIDE REGISTRY



- Enter first name and last name
 - Only the Administrator or Authorized Agent can register
- Enter email (not a personal email)
- Enter and confirm password
- Select "Register"
- Verify email by clicking on the link sent to the email entered



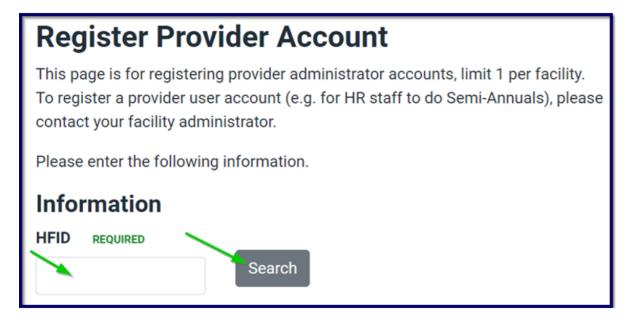
Select the Type of Registration

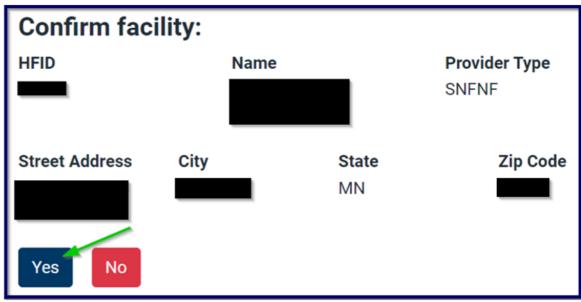


- Select the appropriate category to access the registry
 - Certified Nurse Aide: active, inactive and newly tested individuals
 - Interstate Endorsement Candidate: new CNAs endorsing from another state
 - Provider: Nursing Homes and Certified Boarding Care Homes



Registration of Provider Account

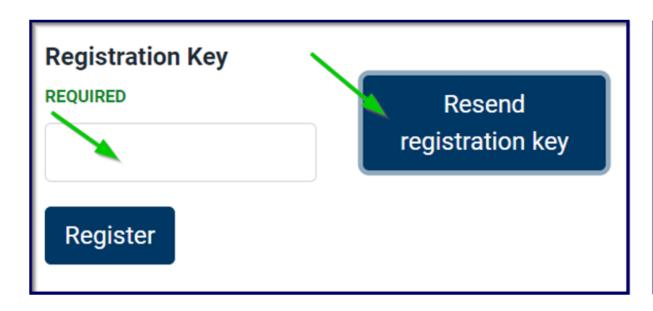


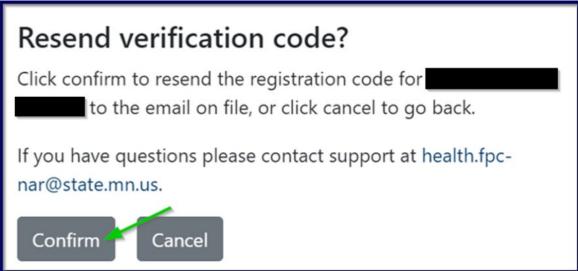


- Enter and search for your facility's Health Facility Identification (HFID) number
- Select "Yes" to confirm the facility



Entering Registration Key



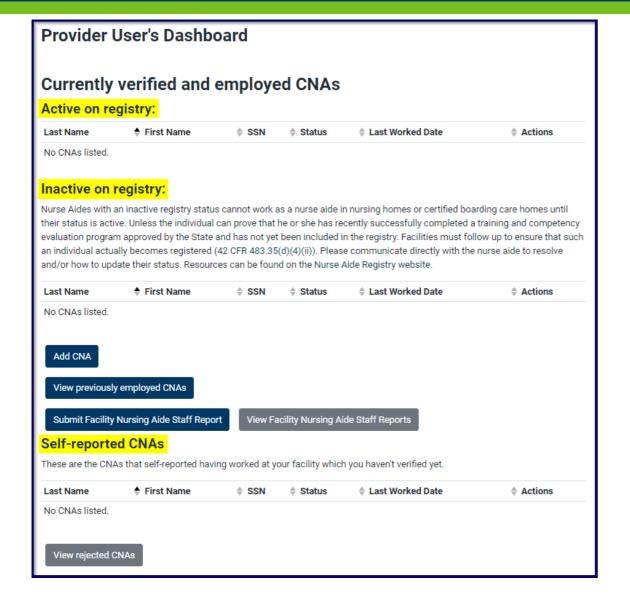


- Enter Registration Key into the space provided
- To retrieve the key again, click on "Resend registration key"

- Select "Confirm"
- A message will state "Registration email resent to facility's account on file"



Facility's Dashboard

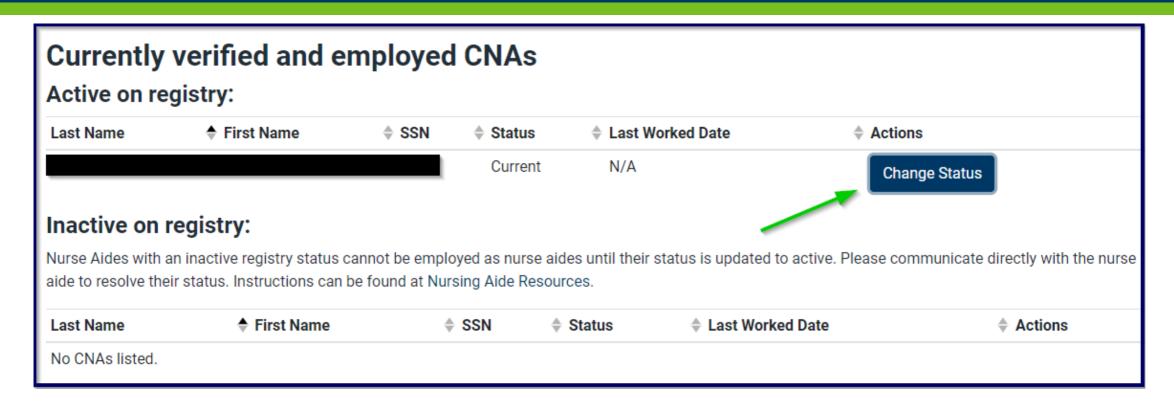


The facility' dashboard is divided into three sections:

- Active on registry nurse aides who were previously reported by your facility
- Inactive on registry nurse aides with expired certificates previously reported by your facility
- Self-reported CNAs nurse aides who have identified and self-reported themselves as currently working at your facility
- Facilities can add new CNAs by clicking "Add CNA"
- Once all staff report is updated, select "Submit Facility Nursing Aide Staff Report"



Change Status Under Actions

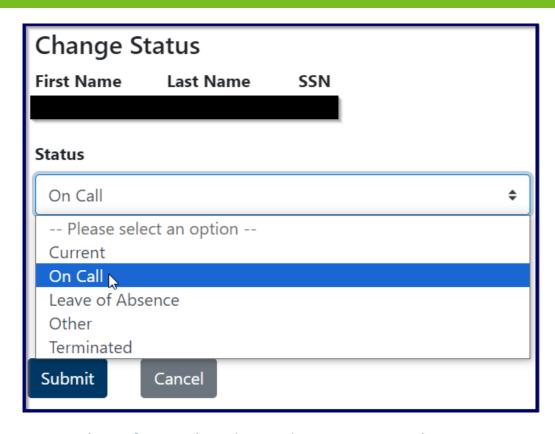


Review each section:

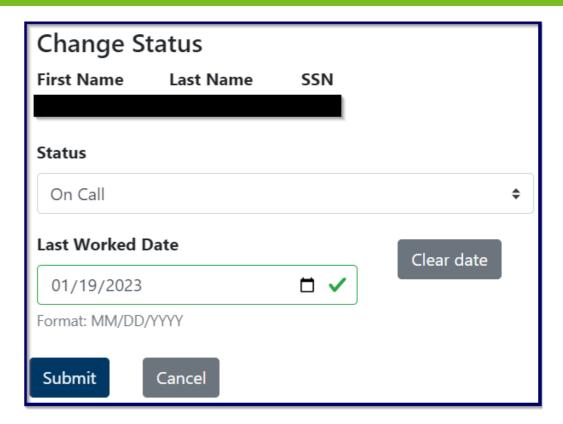
Select each nurse aides' "Change Status" button under each "Actions" column.



Nurse Aides Status Updates



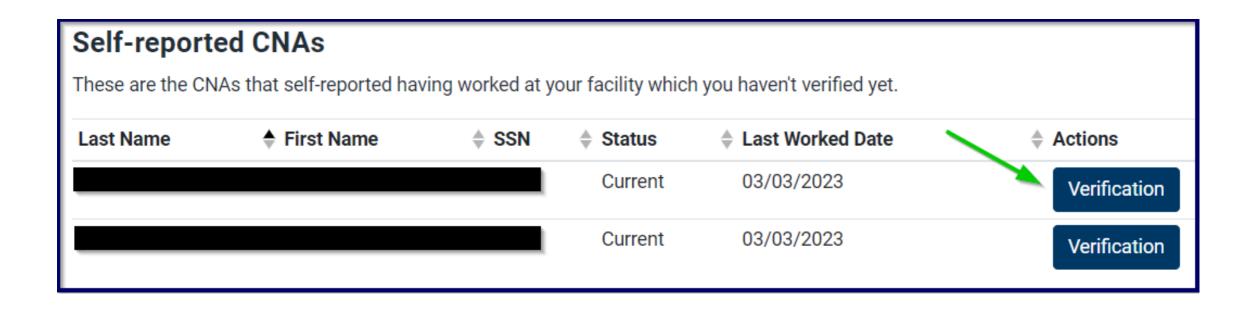
 Select from the drop-down menu the status for the nurse aide.



- For the "Last Worked Date" select a date from the calendar. This will extend the nurse aide's certificate for the next 24 months.
- Click "Submit"



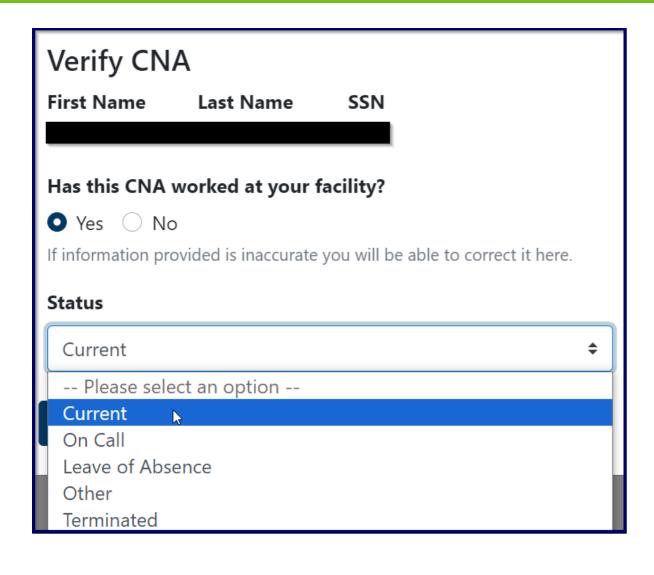
Self-Reported Nurse Aides



- Nurse aides are encouraged to update their employment and may have identified or self-reported as working at your facility.
- Click on "Verification"



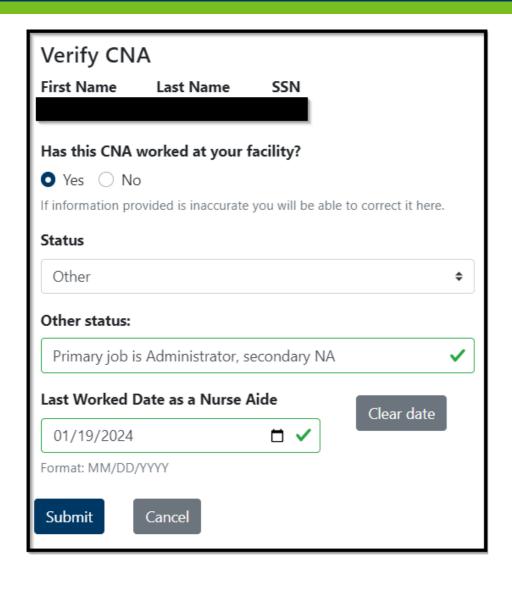
Self-Reported Nurse Aides' Status (1/2)



- If a nurse aide is working at your facility, select the "Yes" node and the status as "Current".
- Once the list is refreshed, the nurse aide will now appear in the upper portion of your dashboard.



Self-Reported Nurse Aides' Status (2/2)



- Select "Other" for:
 - Nurse aides whose primary roles are non-nursing duties but picked up nursing or nursing-related duties as a secondary role.
 - Nurse aides working through a staffing agency.
- Free text what the reason is in the "Other Status"
- Enter "Last Worked Date as a Nurse Aide"



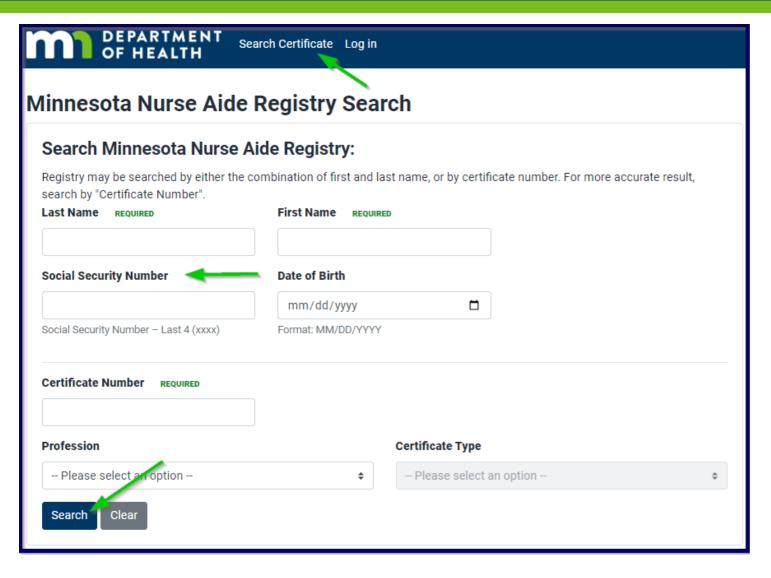
Newly Tested Nurse Aides



- NAR system automatically retrieves data from Headmaster 1 and 7 days prior.
- Recent test candidates must wait to create an account until an email from MDH have been received they've been added to the registry.
- Facilities must follow up to ensure that such an individual becomes registered.



Searching the Registry



- Can search by Last Name and First Name only, or Certificate Number
- Last 4 SSN is not a requirement
- To narrow down a common name search, enter additional last four digit of the nurse aide's SSN or Date of Birth
- Select Search

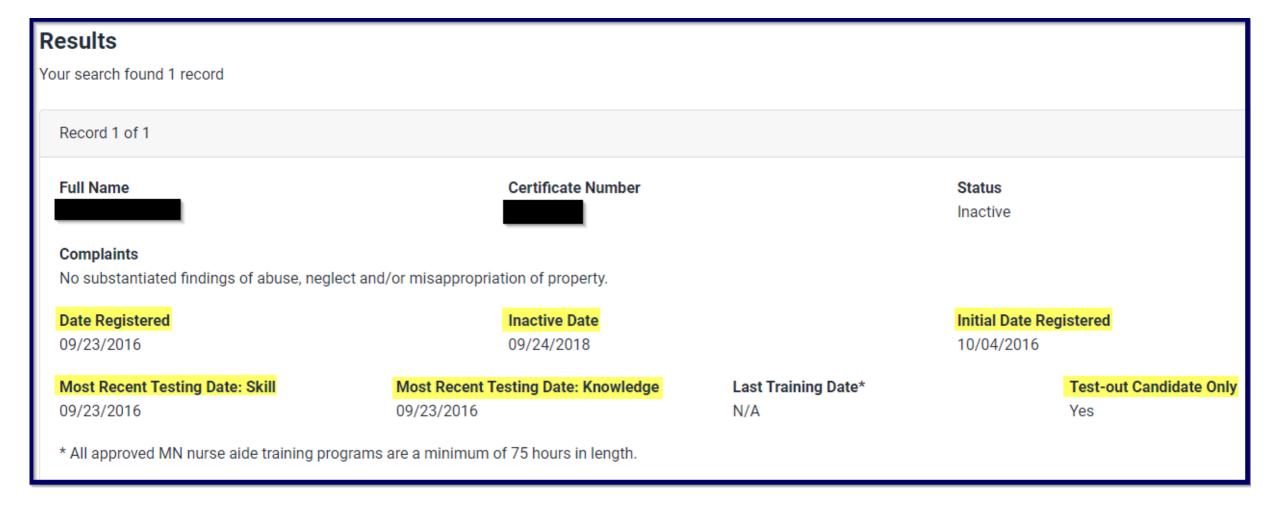


Nurse Aide Registry Dates - Definitions

Dates	Definitions
Initial Date Registered	When MDH places the individual on the Nurse Aide Registry.
Date Registered	A fluid date consisting of either an approved renewal date by MDH or individual's most recent testing date.
Inactive Date or Expiration Date	Inactive Date means a lapse or did not renew, and Expiration Date shows a future expiration date.
Most Recent Testing Dates	For Skill or Knowledge Test.
Last Training Date	If individual took a training program.
Test-out Candidate Only	Individuals who did not take the training program and challenges the test.

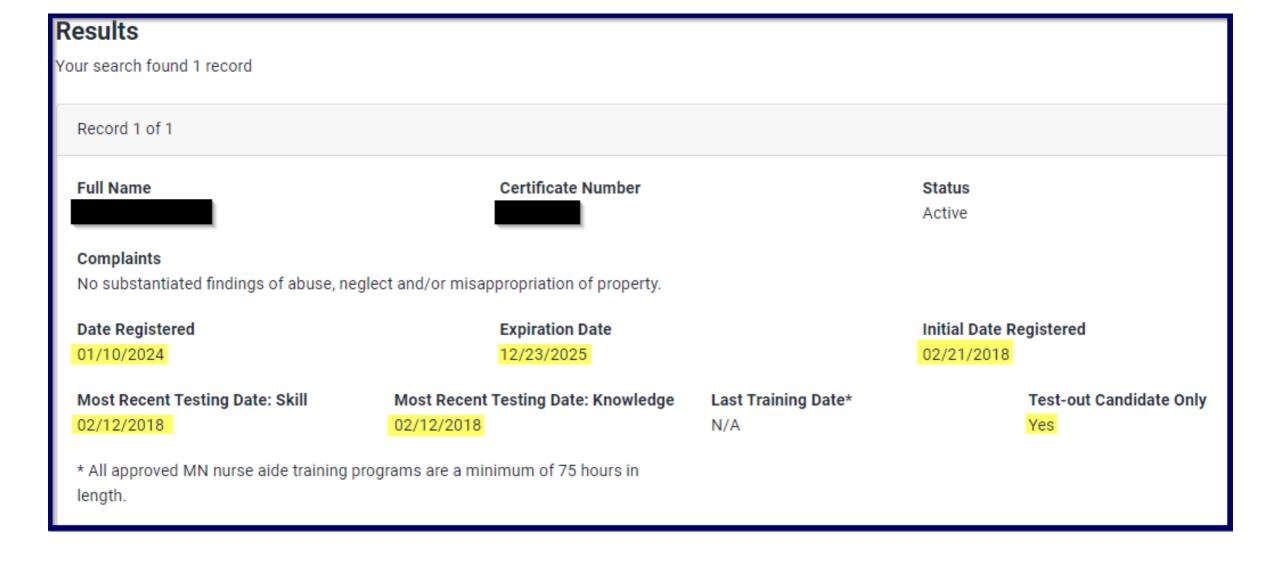


Registry Dates – Example 1



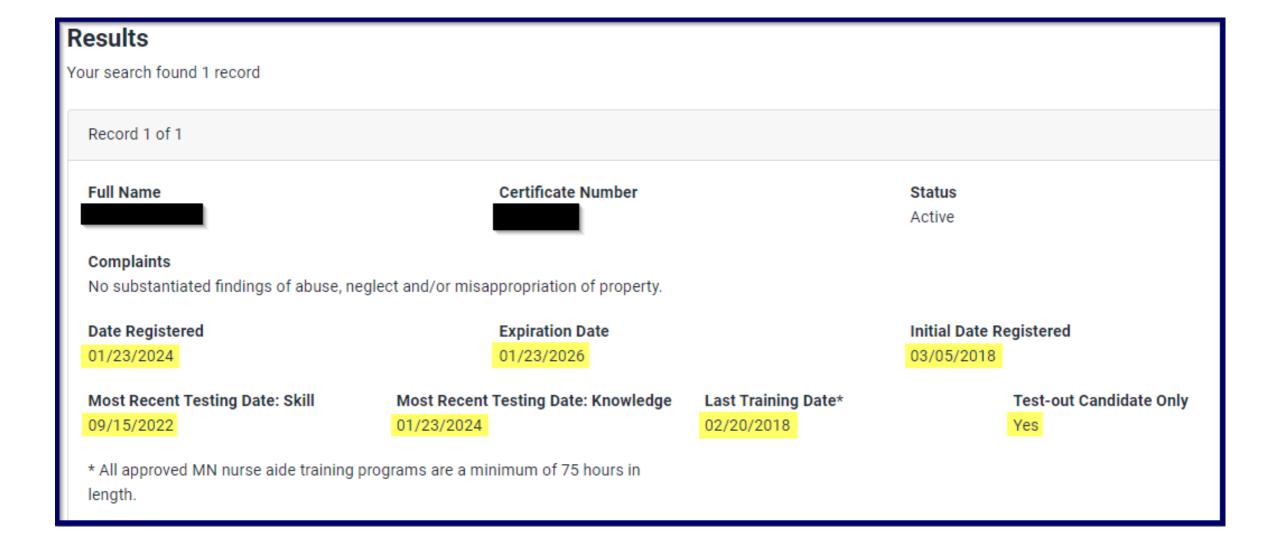


Registry Dates – Example 2





Registry Dates – Example 3





Next Steps (1/3)

- Staff reporting is optional, not a Federal requirement.
- Facilities can update nurse aides' statuses real-time and are encouraged to do so on a regular basis (e.g., daily, weekly, monthly, quarterly). This replaces the semi-annuals.
 MDH no longer processes paper semi-annuals.
- For non-nursing home/certified boarding care home providers, please instruct nurse aide staff to create an account, submit a renewal application and upload their supporting documents for review.
- Facilities can extend the expiration date of a nurse aides' certificate based on the **Last**Worked Date with documentation to verify nursing or nursing-related services for monetary compensation for at least 8 hours during the previous 24 months. See pg. 490 of the State Operations Manual (SOM) Appendix PP, Guidance §§483.35(d)(4)-(6).



Next Steps (2/3)

- Please note that nurse aides who meet the requirement of the SOM and under 42 CFR 483.156(c) and 42 CFR 483.35(d) can renew their certificate. Non-relating nursing services does not meet the requirement to renew.
- Registration Key is sent to the email address MDH has on file for the facility. Staff cannot change the email to another staff's email to receive the key as this affects the facility (e.g., licensing, background study, enforcement, etc.).
- Only the Administrator/Authorized Agent for the facility can make the initial registration with the Registration key. The Administrator/Authorized Agent can add up to three (3) additional users thereafter to manage staff reporting.



Next Steps (3/3)

- If there is a change in Administrator/Authorized Agent, contact the NAR Team to complete and submit the **Change of Administrator** form or it can be done so during the facility's license renewal period. A database ticket is submitted for a change request.
- If you need help identifying the HFID, contact MDH or use MDH <u>Health Care Provider</u> <u>Directory</u> to search.





Nurse Aide Registry Credentialing Team

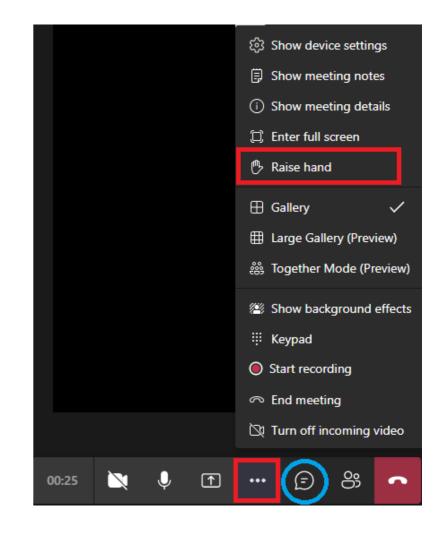
Health.FPC-NAR@state.mn.us

651-201-4200

Monday to Friday: 8 AM to 4 PM

How to Ask a Question for Q & A

- Participants are muted. We will answer as many questions as we can at the end of the presentation.
- Two ways to ask a question or provide a comment:
 - 1. Raise your hand (outlined in red).
 - 2. Click the Chat bubble (circled in blue) to open the chat.
- For phone attendees, press *5 to raise your hand, and
 *6 to unmute/mute yourself.
- We will select speakers in order and add questions from the chat at the end of the presentation.





Thank You!!!

Sarah Grebenc | Sarah.Grebenc@state.mn.us

Kathy Lucas | Kathleen.Lucas@state.mn.us

Shannon Gilb | Shannon.Gilb@state.mn.us

Kia M. Moua | <u>Kia.M.Moua@state.mn.us</u>

7/16/2024 health.state.mn.us 60