



Your Virtual Health Partner

The Requirements of Participation Compliance and Ethics (483.85)

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Objectives

- ❖ Review what is required to be included in current policies and procedures
- ❖ Establish a plan for developing and implementing the required components of this program
- ❖ Develop a schedule for an annual review and update to the compliance and ethics program
- ❖ Name the requirements for organizations with five or more facilities

History



- Nursing home surveys are conducted in accordance with survey protocols and Federal requirements to determine whether a citation of non-compliance is appropriate.
- Consolidated Medicare and Medicaid requirements for participation for Long Term Care facilities were first published in the Federal Register on February 2, 1989.
- The requirements for participation were recently revised.
- The survey protocols and interpretive guidelines serve to clarify and/or explain the intent of the regulations.

Implementation Grid

Implementation Date	Type of Change	Details of Change
Phase 1: November 28, 2016 (Implemented)	Nursing Home Requirements for Participation	New Regulatory Language was uploaded to the Automated Survey Processing Environment (ASPEN) under current F Tags
Phase 2: November 28, 2017	F Tag numbering Interpretive Guidance (IG) Implement new survey process	New F Tags Updated IG Begin surveying with the new survey process
Phase 3: November 28, 2019	Requirements that need more time to implement	Requirements that need more time to implement

Why is CMS Changing the LTC Survey Process?



- Two different survey processes existed to review for the Requirements of Participation (Traditional and QIS)
- Surveyors identified opportunities to improve the efficiency and effectiveness of both survey processes.
- The two processes appeared to identify slightly different quality of care/quality of life issues.
- CMS set out to build on the best of both the Traditional and QIS processes to establish a single nationwide survey process.

Goals of New Process

- Same survey for entire country
- Strengths from Traditional & QIS
- New innovative approaches
- Effective and efficient
- Resident-centered
- Balance between structure and surveyor autonomy



Compliance and Ethics Program 483.85

- Program must be reasonably designed, implemented, and enforced.
 - Program must contain established written compliance and ethics standards, policies, procedures to follow.
 - Program must include assignment of specific individuals within the high-level personnel of the organization with the responsibility to oversee compliance with the program.
 - Sufficient resources and authority should be assigned to personnel to assure compliance.



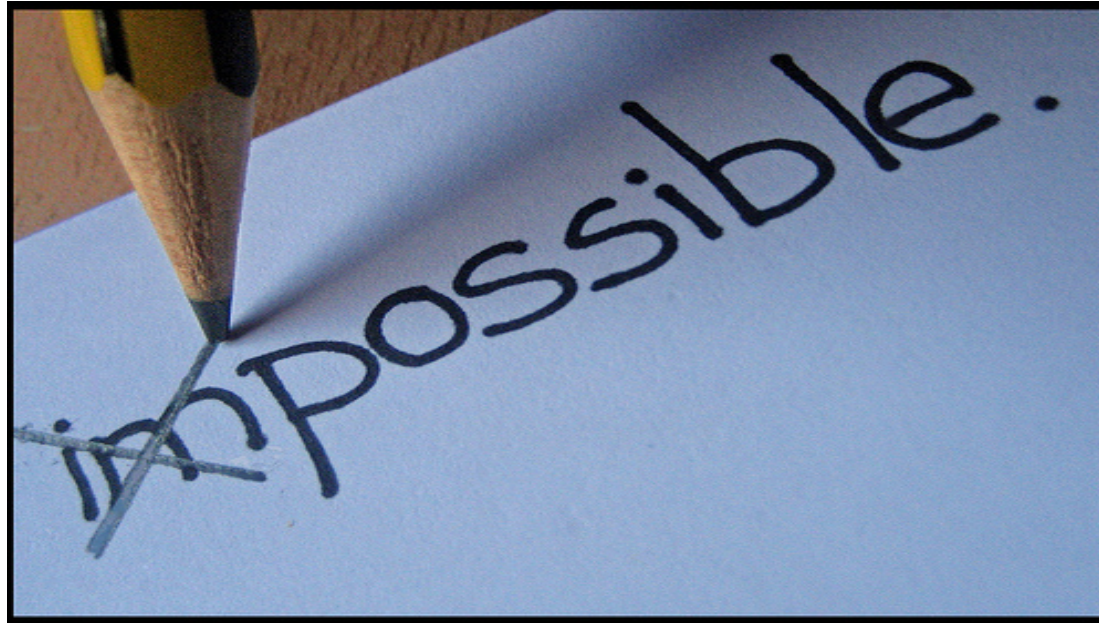
Compliance and Ethics Program (483.5)

- Facility to take steps to communicate the compliance and ethics program to all staff, including contractual and volunteer staff.
- Steps include:
 - Mandatory participation in training or orientation programs or;
 - Disseminating information that explains in a practical manner what is required under the program
 - Utilizing monitoring and auditing systems designed to detect violations
 - Having in place and publicizing a reporting system and a process for ensuring the integrity of reported data
 - Consistent enforcement including disciplinary mechanisms
 - After discovery of violation, steps are taken to prevent further violations

Compliance & Ethics Program (483.85)

- Chief Compliance Officer responsible for operating the compliance and ethics program including assuring the OIG seven required elements and all requirements for “each center requirements” are met:
- Required components:
 - Development of compliance and ethics standards and procedures;
 - Assignment of responsibility;
 - Due care in delegation of authority;

Don't Make Achieving Compliance Harder



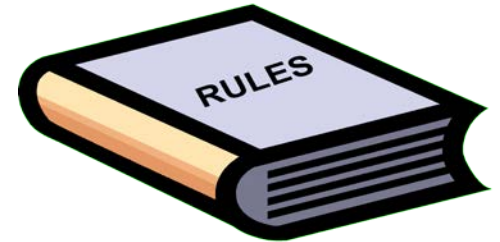
Evaluate the system

- Look at policies and procedures
 - Are you setting up staff to fail?
- Look at work flow
 - Ask staff why something is not working (why 5 times)
 - Ask what “frustrates” them about the problem
- Look at availability of equipment



Requirements for Organizations with Five or More Facilities

- Mandatory annual training program
- Designated compliance officer with major responsibility for compliance and ethics program
- Designated compliance liaisons located at each facility
- Annual review



Potential Citations

- Team makes compliance determination.
 - Compliance decisions reviewed by team
 - Scope and severity (S/S)
- Conduct exit conference and relay potential areas of deficient practice



Success in Tomorrow's (Today's) Environment Will Require Deliberate Action...



“What if we don't change at all ...
and something magical just happens?”

Thank You

For all that you do every day to make a difference in the lives of those you serve!



References

Bentley, L. 2017, April. *The requirements of Participation: Bringing them to Life in Your Center*. Retrieved November 13, 2017 from https://www.ahcancal.org/facility_operations