

# Welcome to Community Based Care News Hour

October 24th, 2019



## Agenda

- Compliance Tips:
- Compliance Trend Report
  
- **Hot Topics:**
- 911 calls
- Compliance guidelines
- Palliative care Webinar
- Recent rule changes: Dave Mackowski
  
- Manager's Corner:  
Michelle Cate



# Compliance Trend Report

## Top Ten Citations: 7/01/2019 -10/22/2019

1: C 303 Treatment orders (31)

6: C 370 Staff training (17)

2: C 360 Staff training (19)

7: C 422 Fire and Life safety gen (17)

3: C 420 Fire and Life Safety, drills (18)

8: C 240 Food sanitation (16)

4: C 260 Service Plan (17)

9: C 310 Medication (13)

5: C 270 Change of Condition (17)

10: C 252 Resident Move in eval (11)

999: Technical assistance (16)

0010: LCU (112) [#1]

# Appropriate use of 911

- For emergency transport
- Not for:
  - Lift assist
  - Assessment
  - Non-emergency calls
- Some counties and cities are charging



# Compliance Guidelines

- House Bill 3359
- Related to citation interpretation
- Change of Condition completed,( online training)
- Top two citations





## What, When, & How: Palliative Care Meetings for People Living with Dementia

A webinar featuring Maureen Nash, MD, FAPA, FACP & Harry Krulewitch, MD, MPH

**When:** Wednesday, November 6, 2019  
1:00—2:30 p.m.

The Oregon Partnership to Improve Dementia Care is proud to present a new resource for long-term care staff:

### **What is Palliative Care?**

**Tools & resources to help focus discussions with individuals living with dementia and their loved ones about how they want to live**

[Click here to view or download the toolkit](#)

Please join us for a webinar to introduce and discuss this free resource. Participants will learn:

- The importance of recognizing and decreasing suffering among persons living with dementia
- What it means to provide palliative care
- How to conduct a palliative care conference with individuals and their loved ones

[\*\*Click here to register!\*\*](#)

### **Who should attend this event?**

Long-term care staff across all settings, including nursing homes, assisted living communities, residential care communities, and adult foster homes



# **Recent Rule Changes**

## **and How They Apply to Your Facility**

**CBC News Hour**  
**October 24, 2019**

# Background

- Changes were made to OAR 411-054 dated 9/1/19.
- Changes were a result of HB 3262.
- The changes affected three subsections of the rules:
  - 411-054-0005 Definitions
  - 411-054-0034 Evaluations
  - 411-054-0055 Medications

# Definitions

- “Hospice Program” is defined.
- “Primary Care Provider” is defined.
- “Psychoactive” medication is renamed “Psychotropic” and is re-defined (just a few wording changes).
- “Resident Evaluation” is defined.

# Evaluations

The following “elements” were changed or added to what is required in a resident evaluation, especially in the initial evaluation for a newly-admitted resident:

## Previous rule

- Customary routines: sleep, dietary.
- Social and leisure.
- Spiritual, cultural preferences.

## New rule

- Customary routines: sleeping, eating, bathing.
- Interests, hobbies and social and leisure activities.
- Spiritual and cultural preferences and traditions.

# Evaluations

## Previous rule

- None
- Communication and sensory.
- Pain – pharmaceutical and non-pharmaceutical interventions.

## New rule

- Personality, including how the person copes with change or challenging situations.
- Communication and sensory abilities.
- Pain – pharmaceutical and non-pharmaceutical interventions, including how a person expresses pain or discomfort.

# Evaluations

## Previous rule

- None

## New rule

- Environmental factors that impact the resident's behavior including, but not limited to:
  - Noise;
  - Lighting;
  - Room temperature.

# Psychotropic Medication

## Old rule

- The facility must not request psychoactive medication to treat a resident's behavioral symptoms without a consultation from a physician, nurse practitioner, RN or mental health professional.

## New rule

- The facility must not request psychotropic medication to treat a resident's behavioral symptoms without a consultation from a physician, nurse practitioner, RN or mental health professional. This does not apply when a resident is enrolled in a hospice program as defined in OAR 333-035-0050.

# Psychotropic Medication

## Old rule

- None

## New rule

- Prior to requesting a psychotropic medication, the facility must demonstrate through evaluation and service-planning process that non-pharmacological interventions have been attempted.

# Psychotropic Medication

## Old rule

- None

## New rule

- When a psychotropic medication is ordered by a health care practitioner other than the resident's primary care provider, the facility is responsible for notifying the resident's primary care provider of that medication order within 72 hours of when the facility was notified of the order.

# Psychotropic Medication

## Old rule

- None

## New rule

- This includes weekends and holidays.
- Notification may be either by telephone or electronic submission and should be documented by the facility.

# Implementation

- Facilities should review and update their evaluation tool/form or add the additional elements to an addendum.
- Facilities should ensure they have a process to include information from the new elements in the service plan.
- Survey will begin reviewing and issuing citations 1/1/20.

# Plans of Correction

## AOC date and the Revisit Process

CBC News Hour  
October 24, 2019

# Plan of Correction (POC)

- OAR 411-054-0105(2)(a): Facilities not in compliance with these rules must submit, within ten days of receipt of the inspection report, a plan of correction that satisfies the Department.
- The facility shall submit a POC within 10 calendar days of receipt of the survey report (form 2567).

# Plan of Correction

- For each citation (except referrals to other citations), the POC must address the following:
  1. What actions will be taken to correct the rule violation?
    - The POC should explain how the rule violation was corrected for the resident(s) identified in the citation.
  2. How will the system be corrected so it doesn't re-occur?

# Plan of Correction

3. Who is responsible to ensure the corrections are made?
4. How often will the area needing correction be evaluated?
  - The POC should explain how the facility will monitor the steps it plans to put in place to address the deficiencies and who will be responsible for this review.
5. The date the facility alleges it will be back in compliance.

# Plan of Correction

- Upon receipt, the surveyor who led the survey will review the POC to ensure the previous questions were addressed.
- If necessary, the surveyor will contact the administrator to clarify information or to request additional explanation of its plan to address the deficiencies.

# AOC Date

- Following a relicensure, initial or change of ownership survey, the facility will have 60 days from the survey exit date to allege it is back in compliance. This is referred to as the “allegation of compliance” or “AOC” date.
- It is recommended the facility take the full 60 days to allege compliance so that it can ensure new systems have been put in place and have been reviewed for effectiveness.

# AOC Date

- A facility may submit an AOC date of fewer than 60 days.
- If the facility needs more than 60 days to adequately address a citation or citations in the report, it may submit a written request which briefly explains the reason for the extension request.
- The AOC date for a facility not in compliance after the first revisit is 45 days; the AOC date for subsequent revisits is 30 days.

# Revisit Survey

- The revisit survey will generally be scheduled at least 14 days after the facility's AOC date. This is to allow survey an adequate period of time to “look back” at the facility's records.
- The survey team's workload and availability will dictate when the revisit survey can be scheduled.

# 15-Day Revisit Request

- OAR 411-054-0110(10)(a): Assertion of substantial compliance. Following the Order on a facility, the Department shall:
  - (A) Within 15 business days of receiving the facility's written assertion of substantial compliance and request for reinspection, the Department shall reinspect or reevaluate the facility to determine if the facility has achieved substantial compliance.

# 15-Day Revisit Request

- Submitting the POC with an AOC date does not constitute a request for a 15-day revisit.
- A facility may only request a 15-day revisit if it has had a condition placed on its license as a result of the most recent survey.
- A facility must submit its request for a 15-day revisit in writing to the department.
- All requests should be submitted to: [Salem-CCMU.CBC@dhsosha.state.or.us](mailto:Salem-CCMU.CBC@dhsosha.state.or.us)

# 15-Day Revisit

- OAR 411-054-0110(10)(c): If after reinspection or reevaluation, the Department determines the violation continues to exist, the Department may not withdraw the Order and is not obligated to reinspect or reevaluate the facility again for at least 45 business days after the first reinspection or reevaluation.

Thanks so much!

Next News hour:  
January, 23<sup>th</sup> 2020  
9:00 am

Questions????

[CBCTeam@state.or.us](mailto:CBCTeam@state.or.us)

CBC web site Address::

<http://www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/CBC/Pages/index.aspx>

