Upon completion of this presentation, the learner will be able to:

- identify Medicare Entitlement and Eligibility for the Skilled Nursing Facility;
- identify Medicare Coverage Criteria, determine Skilled Care and identify Skilled Care Terminology; and
- state ten missed clinical and operational opportunities in the long term care setting.

Seminar Description:

This session will provide comprehensive training on the rules and regulations allowing Medicare Part A and Medicare Part B coverage during a SNF stay. This forum provides current regulatory updates and insight into key elements of the Final Rule as they relate to changes in skilling criteria for both nursing and rehabilitation. An overview of Medicare entitlement, eligibility and coverage will be provided. This program enables health care providers to provide quality care through an understanding of the Medicare reimbursement system in a SNF.

Presenter Bio(s):

Kris Mastrangelo owns and operates Harmony Healthcare International, an industry leader in long term care consulting. Kris brings her long term care expertise with more than 20 years of experience in the industry as an Occupational Therapist, Licensed Nursing Home Administrator and has a Master’s in Business Administration. Kris’ leadership and vision have helped Harmony Healthcare International become one of the most recognized and trusted consulting companies for reimbursement and compliance in the long term care industry. Currently, Harmony Healthcare International provides services in over 25 states.
Diamonds in the Rough: Top Ten Missed Opportunities in the Skilled Nursing Facility

Presented by:
Kris Mastrangelo, OTR/L, LNHA, MBA
President & CEO
Harmony Healthcare International (HHI)

About Kris

Kris Mastrangelo, OTR/L, LNHA, MBA

Kris Mastrangelo, President and CEO, owns and operates Harmony Healthcare International, (HHI) an industry leader in Long Term Care consulting.

-
14,000 Medical records reviewed per year
-
Core Business Patient Centered

Follow Me! @KrisMastrangelo
Medicare

- Federal Health Insurance Program
- Title XVIII (Medicare)
- Into effect July 1, 1966
- Cost Based
- Ancillary Expense plus A & G
- Square footage
- Treated without minute criterion
- Patient outcomes
- LOCC
- RCL/Exceptions/Exemptions
- CDP: Certified Distinct Part
Cost Based to Prospective Payment

- 1988 MDS Care
- 1998 PPS
- Bankruptcy
- BIPA
- Therapy Transition

The Medicare Structure

- Guidelines directed by CMS
- Many different entities (ZPIC, RAC, OIG, DOJ)
- CMS allows the MAC to function in an Administrative capacity between healthcare providers and the government
- Kathleen Sebelius, Secretary (HHS) Health and Human Services, 2013
Federal Regulations

- Not always written clearly
- Not always written concisely
- Not always written definitively
- Do not always make logical sense
- Change on a regular basis!

Top Ten Missed Opportunities
Top Ten Missed Opportunities

1. Nurses Rule the World
2. Rehabilitation Departments
3. Skilled Therapy Documentation
4. ADL Coding
5. Clinically Anticipated Stay
6. MDS Accuracy
7. Respiratory Therapy
8. Depression
9. ARD Management
10. Scrutinize the Lower 14

Top Ten Missed Opportunities
Number One:

“Nurses Rule The World”
What is Skilled Care?

Anchoring the Skill

Nurses Rule The World

Medicare Eligibility

Treated for a condition which was treated during a qualified stay...or... which arose while in a SNF for a treatment of condition for which the beneficiary previously was treated in a hospital

For Example:
Fractured hip develops pneumonia secondary to immobility

Medicare Requirements

- The patient requires Skilled Nursing Services or Skilled Rehabilitation Services (i.e., services that must be performed by or under the supervision of professional or technical personnel) (See §214.1 – 214.3)
Medicare Requirements

- The patient requires these skilled services on a **daily basis** (see §214.5)
  - Daily Nursing Notes
  - Treatment Sheets

---

Medicare Requirements

- As a **practical matter**, considering economy and efficiency, the daily skilled services can be provided only on an inpatient basis in an SNF (see §214.6)
  - In other words, **prove in your documentation why services need to be provided at a SNF level of care!**
"Practical Matter" Criterion

1. Outpatient services are not available in the area where the individual lives.
2. Outpatient services are available in the area where the individual lives, but transportation to the closest facility could cause an excessive physical hardship, be less economical, or less effective that placement in the skilled nursing facility.

"Practical Matter" Criterion

3. The availability at home of a capable and willing caregiver should be considered, but the care can be furnished only in the skilled nursing facility if home care would be ineffective because there would be insufficient assistance at home for the patient/patient to reside there safely.
“Practical Matter” Criterion

4. If the use of alternative services would adversely affect the patient/patient’s medical condition, then as a practical matter the daily skilled service(s) can only be provided on an inpatient basis.

Medicare Requirements

- For example: Payment for a SNF level of care may not be made if documentation supports a patient’s need as intermittent rather than a daily skilled service.
- Documentation in the patient’s record must support the provision of a skilled level of care.
What is Skilled Care?

- Requires the skills of qualified technical or professional health personnel such as RN, LPN, PT, OT or SLP

What is Skilled Care?

- Must be provided **directly by or under the general supervision** of a licensed nurse or skilled rehab personnel to assure the safety of the resident and to achieve the medically desired result

  - “General supervision” requires initial direction and periodic inspection of activity
What is Skilled Care?

- Ordered by a **Physician**

---

What is Skilled Care?

- Services are **needed** and provided on a **daily** basis
What is Skilled Care?

- The need for skilled care **must** be justified and documented in the medical record
- Conditions may have prompted the **initial hospitalization**, but also include the conditions that **arose during recovery in the SNF**

Why Nurses Rule the World

- Direct Skilled Nursing Services (Inherent Complexity)
- Management and Evaluation of a Care Plan
- Observation and Assessment
- Teaching and Training
- Skilled Rehabilitation
Skilled Services Categories: Inherent Complexity

**Inherent Complexity** – Direct skilled nursing services including:
- IV feeding
- IM or IV meds
- Tracheal or nasopharyngeal suctioning
- Tracheostomy care
- Ventilator support
- Daily care of extensive pressure ulcers or widespread skin disorders

---

Skilled Services Categories: Inherent Complexity

**Inherent Complexity (Cont.)**
- Tube feedings
- Respiratory therapy
- Unstable clinically with diabetes with injections
- Colostomy care, early post op care
- Irrigation, replacement or insertion of suprapubic catheters
Top Ten Missed Opportunities
Number Two:

Rehabilitation Departments
“The Business within the Business”

Quote

“Remember, it's not the questions you ask, but the questions you fail to ask, that shape your destiny.”

Anthony Robbins
The Business Within the Business


Rehab Case Management Overview

- Operational Elements
- Standards of Operation
- Clinical Systems
Operational Elements

- Staffing
- Space
- Signage
- Equipment
- Marketing

Operational Elements
Staffing

- Registered Clinicians (OTR, RPT, SLP)
- Licensed Assistants (COTA, LPTA)
- Aides
## Operational Elements

### Staffing Mix

- Ideal Situation
- Availability
- Costs
- Individual

---

## Operational Elements

### FTE Calculation

- Part A Census
- Part B Pool
- Other Payors
Staffing/Caseload Calculation

Facility

- 120 bed facility
- 89% occupied
- 12 Medicare Part A’s
- 15 privates
- 10 other

Staffing/Caseload Calculation

Part A

(12 ADC) (75%) = 9 rehab patients
Staffing/Caseload Calculation

Part B

Total Census 106.8 Minus:
- 12 Medicare A’s
- 15 (private)
- 10 (other)
= 69.8 Part B pool
(69.8) (.05) = 3.49 anticipated caseload
(Conservative measure)

Therapy Caseload

- 9 Part A
- 3.49 Part B
- 12.49 Total Caseload
Therapy Caseload FTE Calculation

Total 12.49 Residents
- By 8 = 1.56 FTE OT = 62.45 hrs/week
- By 8 = 1.56 FTE PT = 62.45 hrs/week
10% PT = ST 1.56 = 6.25 hrs/week

FTE Calculation
- OT: 62.45 hrs/week
- PT: 62.45 hrs/week
- SLP: 62.25 hrs/week
- Total: 131.15 hrs/week
- = 3.28 FTE’s
Staffing Mix

- COTA: 40 hrs/week
- OTR: 22.25 hrs/week
Total OT: 62.45 hours/week

Staffing

- Team Leader
- Aides
Operational Elements

- Space
- Signage
- Equipment
  - Capital
  - Supplies
- Marketing
- Policies & Procedures

Rehabilitation Supplies

- Splinting Material
- Theraputty
- ADL Equipment
  - Reachers
  - Sock aids
  - Elastic shoe laces
  - Long-handled sponges
- Speech Diagnostic Tools
- Hot and Cold Pack Covers
- Thera Band
- Wedges
- Sponges
- Cushions
Quality of Care

- State Surveys
- Under Utilization
- Fine
- Contractures
- Restraints
- Skin Breakdown

Policies & Procedures

- Evaluations
- Forms
- Programs
Standards of Operation

1. Productivity
2. Part B ppd
3. Part A Rehab Mix
4. Cost per hour
5. Margin
6. Revenue per hour

Productivity: 75%

- 8 hours worked
- 6 hours billable
- $6/8 = 75%$
Standards of Operation
Productivity

- Consistent Standards
- Inclusive/Exclusive Aides
- Inclusive/Exclusive Team Leaders

Standards of Operation

- Tracking System
  - Automated
  - Manual
  - Explore Variances
Operational Strategies

- Rate Analysis
- 29% Med A Revenue Attributed to Rehab
- RUG Mix Analysis
- Clinically Appropriate Stay
- Separate Chain of Command

Clinical Systems

- Restorative Feeding
- Functional Maintenance
- Restorative Nursing
- Contracture Prevention
- Wound Care
- Restraint Reduction
- Positioning
Facility Integration Systems

- Integrated with Nursing
- User-Friendly Forms
- Established Protocol

Functional Maintenance Jimmo

- Establishment of Maintenance Program
- Skilled Care
  - Finger Foods
  - Splint Care
  - Care Giver Training
  - Adaptive Equipment
Restorative Nursing

- Medicare vs. Regulatory
- Restorative Aide
- Forms
- Integration / Training

Augmentative Evaluations

- Feeding
- Positioning
- Restraints
- Contractures
- Swallowing
- Cognitive/Perceptual
- Home Assessment
Contracture Prevention/Wound Care

- Screens Prior to Care Planning
- Change of Conditions
- Care Plans Attendance
- Rounds

Training

- Clinical
- Reimbursement
Denials Management

- Clinical Review
- Team Process
- RUG Intimacy

Strategic Overview

- Care
- Documentation
- Standards of OPS
Top Ten Missed Opportunities
Number Three:

Skilled Therapy Documentation

5 Tips To Improve Therapy Documentation

http://www.harmony-healthcare.com/blog/bid/97301/5-Tips-to-Improve-Therapy-Documentation
Rehabilitation Documentation

- Get back to basics!
  - Tell the patient’s story
  - State the Obvious
  - Why the skilled hands and brains of a therapist are needed?
  - Support with specific Physician orders

Incomplete Documentation

- Incomplete therapy documentation exposes the facility to financial loss in the case that medical records are reviewed by either the MAC or as a result of RAC audit.
Incomplete Documentation

- Title XVIII of the Social Security Act; section 1862(a)(1)(A) states that coverage and payment will only be provided for those services that are considered to be reasonable and necessary (#1-7).
- Missing therapy documentation limits the facility’s ability to make this justification.

Incomplete Documentation

- Other possible reasons for denial of payment related to documentation are:
  1. Failure to document a complete treatment plan as outlined in the required section of the evaluation.
  2. Lack of documentation relating to the patient’s ability to demonstrate significant progress.
Incomplete Documentation

- Beyond financial implications, incomplete documentation violates PT, OT and ST standards of practice.
- Recommendation: Therapists should consider either “point of service” documentation or allot enough time during the day to complete all notes.

Incomplete Documentation

- All therapy original documentation be filed in medical record within 24 hours of completion.
- Content of documentation is critical in justifying Medical Necessity of provided services.
Components of Medical Necessity

1. Once a physician’s order for a therapy evaluation has been received, assess the resident to determine if therapy services are warranted. The services must be directly and specifically related to an active written treatment plan designed by a qualified therapist and approved by the referring physician.

Components of Medical Necessity

2. Define the need for services that require the skills of a therapist and indicate why the services are needed now. A short-term intervention to establish and monitor a functional maintenance program may be considered a skilled service.
Components of Medical Necessity

3. Create a **treatment plan** and specify the **amount, frequency and duration** of treatment consistent with the nature, extent and severity of the illness or injury. Justify the specified **intensity** of treatment. The patient’s medical needs must be considered and the therapy services must meet accepted standards of medical practice as specific and effective treatment for the patient’s condition.

Components of Medical Necessity

4. Identify the recent **change of condition** required to warrant an evaluation.

5. Identify the most recent **prior level of function** (prior to the onset of the episode) and **current level of function** with objective measurements. Indicate the relationship between the current and prior level of function.
Components of Medical Necessity

6. Define the positive expectation or the patient’s potential for improvement in function.

7. Set functional goals.

8. Assess whether the resident has made significant improvement (document in the progress notes).

9. Evaluate whether other individuals providing care to the resident can see the patient’s progress or the impact of the therapy services. If differences or variations in documentation occur, (i.e., between therapy and nursing notes) explain the reason for the differences. Education with nursing staff on specific therapy techniques may be indicated, as well as the establishment of a functional maintenance program when appropriate.
Components of Medical Necessity

10. The supervising therapist should **co-sign** the notes of the assistant and provide **supervision** in accordance with the current state regulations.

Skilled Therapy Documentation

1. Evaluations

- Tool for the government to ascertain whether or not the services are reasonable and necessary.
2. Functional Limitations

- Describe why the patient needs help.

It is imperative that therapists elaborate note writing to define the etiology for therapeutic interventions.

Within this context, the therapist also needs to demonstrate why the daily skills, knowledge and judgment of a trained professional are required.
3. Safety:

- Safety issues are a top priority in healthcare. A safety problem exists when the patient is unable to handle himself in a manner that is physically and/or cognitively safe unless the therapist is involved.
- This may extend to all aspects of daily living as well as added secondary complications which may intensify the medical sequelae (such as skin breakdown).

4. Plans of Treatment:

- The therapy plan of treatment must include specific functional goals and a reasonable estimate of when they will be reached.
- It is not adequate to estimate 1-2 months on an ongoing basis.
Skilled Therapy Documentation

Aspects that must be addressed in the plan of treatment include:

- Type of Therapy Procedure
- Frequency of Visits
- Estimated Duration
- Diagnosis
- Functional Goals
- Rehabilitation Potential

5. Progress Notes

Weekly progress reports and treatment summaries need to address the following:

- The patient's initial functional status
- The patient's functional status and progress (or lack thereof) specific for the reporting period, including clinical findings (amount of physical and/or cognitive assistance needed, range of motion, muscle strength, unaffected limb measurements, etc.)
- The patient's expected rehabilitation potential.
Skilled Therapy Documentation

Where a valid expectation of improvement exists, the services are covered even though the expectation may not be realized. Progress reports or status summaries must document a continued expectation that the patient’s condition will continue to improve significantly in a reasonable and generally predictable period of time. With the advent of the Jimmo Settlement, “the improvement” criterion has been elaborated and will be addressed in a future blog.

Source: Medicare Benefit Policy Manual, Documentation Requirements for Therapy Services – Section 220.3 (Rev. 165, Issued: 12-21-12, Effective: 01-01-13, Implementation: 01-07-13)

Top Ten Missed Opportunities
Number Four:

ADL Coding
ADL Coding; Improve the Accuracy


Activities of Daily Living (ADLs)

Key Points

- The intent is to capture **what the resident actually does**, NOT what they could, would or should do
- **Assistance needed varies** from day to day, from shift to shift and even during a particular shift
- The reason that the assistance was required is irrelevant; it simply matters that it was needed.
Activities of Daily Living (ADLs)

Key Points

- Assistance must be provided by facility staff (that includes those that are employed by the facility as well as contract/agency staff)
- Do not include help provided by family members, ambulance staff, hospice staff, etc.

The Late Loss ADLs

- Bed Mobility
- Transfer
- Eating
- Toilet Use
ADL Scoring
PPS Impact

- Patient receiving 45 minutes of therapy with three days per week (any combination of three disciplines) = Rehab Low RUG
- ADL Score = 11
- RLB = $363.35 per day

ADL Scoring
PPS Impact

- Patient receiving 45 minutes of therapy with three days per week (any combination of three disciplines) = Rehab Low RUG
- ADL Score = 10
- RLA but…..
- Index Maximizes to PC2 = $279.65
ADL Scoring
PPS Impact

Dollar Impact (per day) = $83.70
Dollar impact (per 14 days) = $1,171.80
x10 patients = $11,718.00
x12 months = $140,616.00

The patient is now in the “lower 14” and highly prone to audit by the FI/MAC!

How Is ADL Status Reported and Recorded in Your Facility?

- Let’s discuss the system in your facility to report/record ADL status
- Does it work well?
- Are you capturing the true picture of the resident?
- Why or why not?
- How can it be improved?
Top Ten Missed Opportunities
Number Five:

Clinically Anticipated Stay

SNF Data

“Data, Data, Data, you cannot make bricks without clay”
- Sherlock Holmes

Clinically Anticipated Stay

- To navigate through these times of uncertainty, take a strong detailed look at the clinical data for beneficiaries discharged to home.
- Collect data, drill it down and identifying clinical and financial opportunity is an approach that needs to be engrained in your organization.

Clinically Anticipated Stay

- Tracking patient success and hospital readmission post SNF discharge is critical yet highly difficult to collect.
- Networks can indeed produce; however, results are limited due to patient and automation incompatibility.
Clinically Anticipated Stay

<table>
<thead>
<tr>
<th>Destination</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home</td>
<td>55.6%</td>
</tr>
<tr>
<td>Hospital</td>
<td>20.2%</td>
</tr>
<tr>
<td>Death</td>
<td>4.7%</td>
</tr>
<tr>
<td>Other SNF</td>
<td>2.3%</td>
</tr>
<tr>
<td>In-House</td>
<td>16.9%</td>
</tr>
</tbody>
</table>

Discharge Destination Percentages by Patient 2011

- Home: 55.6%
- Hospital: 20.2%
- Death: 4.7%
- Other SNF: 2.3%
- In-House: 16.9%
Clinically Anticipated Stay

Harmony’s (HHI) data depicts that re-hospitalization of 4,027 patients during the SNF stay results in the highest rate of hospital return days 8-14 while the most frequent diagnosis (and reason for return) is pneumonia:

- It makes you wonder about respiratory therapy doesn’t it?

Jimmo v. Sebelius

- The Jimmo v. Sebelius case challenged Medicare’s use of an "Improvement Standard" to make coverage determinations.

- The lawsuit was brought on behalf of:
  - Six individuals representing a Nationwide class of Medicare beneficiaries
  - National organizations representing people with chronic conditions
Individual Plaintiffs: Glenda Jimmo

Paul O. Boisvert for New York Times

Individual Plaintiffs

- Lead plaintiff, Glenda Jimmo, is a 76-year-old Medicare beneficiary from Bristol, Vermont
- Blind since birth and has had her right leg amputated due to complications from diabetes
- Requires a wheelchair, and receives multiple home health care visits per week for various treatments for her complex condition
- Medicare denied coverage for these services, saying that she was unlikely to improve
Individual Plaintiffs: Rosalie J. Berkowitz


Individual Plaintiffs

- **Rosalie J. Berkowitz** is an 81-year-old Medicare beneficiary from Stamford, Connecticut
- Multiple Sclerosis
- Medicare denied coverage for home health visits and physical therapy on the grounds that her condition was not improving
- Her family said she would have to go into a nursing home if Medicare did not cover the services
National Organizations

- National Multiple Sclerosis Society
- Parkinson’s Action Network
- Paralyzed Veterans of America
- Alzheimer’s Association
- United Cerebral Palsy
- National Committee to Preserve Social Security and Medicare, an advocacy group

Improvement Standard

- The settlement addresses Medicare terminating or denying coverage to beneficiaries who are not improving for Medicare **Part A and Part B**
Improvement Standard

- Plaintiffs alleged the “Improvement Standard”:
  - Is "a covert rule of thumb" that is not supported by the Medicare statute or regulations
  - Operates as an additional condition of eligibility which effectively denies beneficiaries coverage of certain skilled services

---

Improvement Standard

- According to the Complaint, Medicare has:
  - Failed to make assessments regarding a beneficiary’s "unique condition and individual needs"
  - Does not rely on the Medicare statute, regulations and manuals, but relies on "more restrictive internal guidelines, policies, and Local Coverage Determinations ("LCDs")"
CMS Settlement

- Attorneys from the Center for Medicare Advocacy, Vermont Legal Aid and the Centers for Medicare & Medicaid Services (CMS) have agreed to settle the "Improvement Standard" case, Jimmo v. Sebelius
- A proposed settlement agreement was filed in Federal District Court on October 16, 2012
- The Settlement was approved on January 24, 2013

Jimmo v. Sebelius

- The judgment indicates that as long as a patient requires **skills of a therapist or a nurse**, a patient would meet the skilled coverage criteria despite not making functional gains
- **Documentation** must support the need for skilled therapy intervention
Practical Application

- What does this mean for the SNF?
- How do you proceed?
- What can I do tomorrow to implement change in my facility?

Practical Application

- Embrace the OBRA ’87 regulations which require facilities to provide services to meet “the highest practicable physical, medical and psychological well-being”
Top Ten Missed Opportunities
Number Six:

MDS Accuracy

“Don’t Sweep Bad [MDS 3.0] Coding Under the RUGs”

MDS Accuracy

- Most MDS 3.0 Sections are vulnerable to error
- Accurate reimbursement through the MDS 3.0 process
- Multiple recent MDS 3.0 Coding instruction updates

Impact of the MDS 3.0

- Medicare Reimbursement
- Publicly Reported Information
- In Some States, Medicaid Reimbursement
- Survey
- Resident Care
MDS 3.0: Who has the information needed to accurately complete it???

In Other Words…
Everyone Who Knows The Resident

RUG-IV

- Accurate coding of the MDS 3.0 assessment is critical to ensure **appropriate care planning** and an **accurate RUG-IV classification**
- All coded MDS 3.0 assessment items should be fully supported by **documentation** in the clinical record
RUG-IV

- Resource Utilization Groups
- Each MDS qualifies for multiple RUG classifications, and the software automatically chooses the highest reimbursement rate
- Rehabilitation Intensity, Diagnoses, Nursing Services, and ADLs all contribute
- Documentation must support all coding on the MDS 3.0 assessment

RUG-IV Impacts

- Presumption of Coverage Criteria remains
- Applies to upper 52 groups as encompassed by the following categories:
  - Rehabilitation Plus Extensive Services
  - Rehabilitation
  - Extensive Services
  - Special Care High
  - Special Care Low
  - Clinically Complex
RUG-IV Impacts

- Daily oversight of skilled nursing needs and identification of clinical indicators is critical!

- Per CMS:
  - Know the RUG classifications
  - Know your rates

Totality

- While it is true that dialysis is one of the discrete indicators for assignment to a RUG within the Special Care Low category – a category to which the level of care presumption applies for a short period of time at the start of a SNF stay – it is the totality of items and services included within a given RUG, not any one specific coded service, that actually serves to justify the presumption.
Top Ten Missed Opportunities

Number Seven:

Respiratory Therapy

Skilled Nursing Documentation,
Provide Evidence of Respiratory Therapy

http://www.harmony-healthcare.com/blog/bid/97994/Skilled-Nursing-Documentation-Provide-Evidence-of-Respiratory-Therapy
Definition

- The RAI Manual defines Respiratory Therapy as:

  Services that are provided by a qualified professional (respiratory therapists, respiratory nurse)

Definition

- The RAI Manual states that:

  Respiratory therapy services are for the assessment, treatment, and monitoring of patients with deficiencies or abnormalities of pulmonary function
Definition

- Respiratory therapy services include coughing, deep breathing, heated nebulizers, aerosol treatments, assessing breath sounds and mechanical ventilation, etc., which must be provided by a respiratory therapist or trained respiratory nurse.

Respiratory Therapy

- Respiratory Therapy by definition includes:
  - Coughing and Deep Breathing Exercises
  - Incentive Spirometry
  - Assessment of lung sounds as well as the delivery of nebulizer therapy

- The patient admitted with an active pulmonary issue is appropriate to receive these skilled assessments on a daily basis
Respiratory Therapy

- To qualify for the Special Care High RUG, Respiratory Therapy must be delivered 7 days with at least 15 minutes per day within the look back period.
- Documentation of the time spent with the patient while delivering this service is mandated.

Examples

- The facility may use a specialized flow sheet or record the time spent with the patient on the MAR or TAR as identified below:
  - MAR Examples:
    - DuoNeb 1 unit does via handheld nebulizer q.i.d.
    - Record total minutes spent with patient delivering Respiratory Therapy
Mar Example

<table>
<thead>
<tr>
<th></th>
<th>8/10/12</th>
<th>8/11/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>DuoNeb 1 unit dose via handheld nebulizer q.i.d.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 am</td>
<td>JS</td>
<td>SF</td>
</tr>
<tr>
<td>12 pm</td>
<td>JS</td>
<td>SF</td>
</tr>
<tr>
<td>4 pm</td>
<td>RO</td>
<td>KM</td>
</tr>
<tr>
<td>8 pm</td>
<td>RO</td>
<td>KM</td>
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<tr>
<td>Record total minutes spent with patient delivering Respiratory Therapy</td>
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</tr>
<tr>
<td>8 am</td>
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<tr>
<td>4 pm</td>
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<td>20</td>
</tr>
<tr>
<td>8 pm</td>
<td>22</td>
<td>15</td>
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</tbody>
</table>

TAR

TAR Examples:

<table>
<thead>
<tr>
<th></th>
<th>8/10/12</th>
<th>8/11/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skilled Pulmonary Assessment: Lung sounds, SatO2, cough and deep breathing exercises BID Document findings in narrative notes</td>
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<td></td>
</tr>
<tr>
<td>7-3 J (10 am)</td>
<td>JS</td>
<td>SF</td>
</tr>
<tr>
<td>3-11 RO (4 pm)</td>
<td>RO</td>
<td>KM</td>
</tr>
<tr>
<td>Record total minutes spent with Skilled Pulmonary assessment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 am</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>4 pm</td>
<td>20</td>
<td>15</td>
</tr>
</tbody>
</table>
Respiratory Therapy

- Clinical documentation should support the capture of the respiratory therapy minutes within the medical record
- Harmony recommends the use of respiratory flow sheets or adapting the information within the treatment sheets
- Supportive documentation within the nurse’s narrative notes to evidence the need for observation and assessment for probable exacerbation of a respiratory illness is necessary

Requirements

- A respiratory nurse must be proficient in the modalities listed above either through formal nursing or specific training and may deliver these modalities as allowed under the state Nurse Practice Act and under applicable state laws
Top Ten Missed Opportunities
Number Eight:

Depression

Identification of Mood Disorders:
MDS 3.0 Section D

http://www.harmony-healthcare.com/blog/bid/97995/Identification-of-Mood-Disorders-MDS-3-0-Section-D
A Key Point from the RAI Manual

- ...the presence of indicators in Section D does not automatically mean that the resident has a diagnosis of depression or other mood disorder
- Assessor do not make or assign a diagnosis in Section D, they simply record the presence or absence of specific clinical mood indicators

D0200: Mood Interview (PHQ-9)

- Record the resident’s responses as they are stated, regardless of whether the resident or the assessor attributes the symptom to something other than mood
- Further evaluation of the clinical relevance of reported symptoms should be explored by the responsible clinician
D0300: Total Severity Score

- PHQ-9 **Total Severity Score** can be used to track changes in severity over time.
- **Total Severity Score** can be interpreted as follows:
  - 1-4: Minimal depression
  - 5-9: Mild depression
  - 10-14: Moderate depression
  - 15-19: Moderately severe depression
  - 20-27: Severe depression (20-30 for PHQ-9OV)

Practice/Policy Implications and Potential Staff Education Needs

- Provider notification of PHQ-9 changes
- Investigation of actual mood issue and root causes
- PHQ-9 is a single point in time interview
- PHQ-9OV should include information from all shifts and disciplines
- The primary CNA should not be the only source of information – let’s talk about why!
- Follow up plan for D02001 = 1
Mood

- The signs/symptoms of mood distress are identifiable and treatable
- Assessment and MDS coding of this section does not assign a diagnosis of depression or other mood disorder
- Facility staff should be on the lookout for indicators of mood distress and act promptly to report and address them

Staff Assessment of Resident Mood (PHQ-9-OV)

Key Points:
- Staff from all shifts who know the resident best should be interviewed
- Staff should report symptoms even if the staff believes the symptom to be unrelated to depression
- Symptom presence and frequency (over the last 14 days) should be reported
Top Ten Missed Opportunities
Number Nine:

ARD Management

Clinical Components of ARD Management

ARD Management

- Team Member Effort
- Graphic Spreadsheet
  - Limitations of automation
- Handwritten
- Frequency
- Tracking of PPS and other payor sources
  - Medicare Advantage transition to Part A, must begin again with a 5 day assessment

ARD Management

- Clinical Meeting components of ARD Selection
  - **Rehab**: Targeted RUG level, last therapy treatment dates, SOT, COT and EOT ARD dates
  - **Pre-Admission**: Skin and IV hydration (Nursing)
  - **ADL**: Falls and overall declines that may indicate an increase in ADL assist (Nursing/Rehab RUG)
ARD Management

- Clinical components of ARD Selection
  - **Emergency Room**: Potential capture of IV hydration (ADL/Nursing RUG)
  - **MD Orders**: Potential to capture new nursing qualifier
  - **Respiratory**: Treatment and Shortness of Breath
  - **MDS Proactive Management of ARD**
  - **Nursing Qualifiers**: Skin, IV Medication/Hydration, Oxygen, etc.

Medicare PPS Assessments

- Scheduled Assessments
  - Set at regular intervals during the Medicare stay
- Unscheduled Assessments
  - Driven by clinical events that may occur during the Medicare stay
SNF PPS MDS
Regularly Scheduled

<table>
<thead>
<tr>
<th>MDS Assessment/Type</th>
<th>Assessment Reference Date</th>
<th>Grace Days</th>
<th>No. of Days Coverage</th>
<th>Applicable Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Day /Return</td>
<td>1-5</td>
<td>6-8</td>
<td>14</td>
<td>1-14</td>
</tr>
<tr>
<td>14 Day</td>
<td>13-14</td>
<td>15-18</td>
<td>16</td>
<td>15-30</td>
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<td>27-29</td>
<td>30-33</td>
<td>30</td>
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<td>61-90</td>
</tr>
<tr>
<td>90 Day</td>
<td>87-89</td>
<td>90-93</td>
<td>10</td>
<td>91-100</td>
</tr>
</tbody>
</table>

PPS and OBRA MDS may be combined if ARD and completion date meet both requirements.

How Is Mood Status Reported and Recorded in Your Facility?

- Let’s discuss the system in your facility to report/record mood status.
- Does it work well?
- Are you capturing the true picture of the resident?
- Why or why not?
- How can it be improved?
ARD Management

START OF THERAPY (SOT) OMRA

Start of Therapy (SOT) OMRA

- **Optional** assessment
- Completed only to classify a resident into a Rehabilitation Plus Extensive Services or Rehabilitation group
- ARD must be set on days 5-7 **after the start of therapy**
- Medicare **payment rate** begins on the day therapy started
ARD Management

But Wait……

Proposed Rule FY2014 Therapy Distinct Days ruling

END OF THERAPY (EOT) OMRA
End of Therapy (EOT) OMRA

- **Required** when the resident was classified in a Rehab RUG-IV and continues to need Medicare Part A SNF-level services after the discontinuation of all therapies
- ARD must be set on **day 1, 2, or 3** after the last treatment day
- Establishes a new **non-therapy RUG** classification and Medicare payment rate which begins the day after the last day of therapy treatment

ARD Management

**CHANGE OF THERAPY (COT) OMRA**
Change of Therapy (COT) OMRA

- Complete when the intensity of therapy changes; includes the **total reimbursable therapy minutes (RTM), and other therapy qualifiers**
- Number of therapy days and disciplines providing therapy, **changes to such a degree that the beneficiary would classify into a different RUG-IV category** for which the resident is currently being billed
- Applies to the 7-day COT observation period following the ARD of the most recent assessment used for Medicare payment

Change of Therapy (COT) OMRA

- Payment begins on Day 1 of the COT observation period and continues for the remainder of the current payment period
- Unless the payment is modified by a subsequent COT OMRA or other (scheduled or unscheduled) PPS assessment.
ARD Management

EARLY, LATE, OR MISSED PPS ASSESSMENTS

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Early PPS Assessment

- **Scheduled Assessment:** If an assessment is performed earlier than the schedule indicates the provider will be paid at **default rate** the number of days the assessment was out of compliance
Early PPS Assessment

Example:
- A Medicare-required 14-Day assessment with an ARD of day 12
- One day early
- Paid at the default rate for the first day of the payment period that begins on day 15

Example:
- COT ARD due on day 42
- Facility sets COT ARD on day 40 (early)
- Facility will be paid at default rate for two days (number of days early)
- Next COT ARD will begin on day 41 and end on day 47 (set from erroneous ARD)
Late PPS Assessment

- Failing to set the ARD
  - Failure to set the ARD within the defined ARD window for a Medicare-required assessment, including the grace days, and the resident is still on Part A, the SNF must still complete a late assessment
  - The ARD can be no later than the day the error was identified

Late PPS Assessment

- Billing the Default Rate
  - The ARD on the late assessment is set prior to the end of the period during which the late assessment would have controlled payment, and no intervening assessments have occurred,
  - SNF must bill the default rate for the number of days that the assessment is out of compliance, including the ARD
Late PPS Assessment

- The SNF will bill all covered days during which the late assessment would have controlled payment at the default rate regardless of the HIPPS code calculated from the late assessment.

Missed PPS Assessment

- Failing to Set an ARD
  - Failure to set the ARD of a scheduled PPS assessment prior to the end of the last day of the ARD window; resident was already discharged from Medicare Part A when the error is discovered.
  - The provider cannot complete an assessment and the days cannot be billed to Medicare A.
Late PPS Assessment

- All Covered Days Billed at Default
  - The ARD of the late assessment is set after the end of the period during which the late assessment would have controlled payment, or
  - An intervening assessment has occurred, the provider must still complete the assessment
  - The ARD can be no earlier than the day the error was identified

Missed PPS Assessment

- Saving Grace
  - In some cases, an existing OBRA assessment in the QIES ASAP system may be used to bill for some Part A days when specific circumstances are met
  - A stand-alone discharge assessment may not be used in this case
Missed PPS Assessment

- Discharged Patients
  - An unscheduled assessment is required (i.e. COT, EOT), but not completed timely
  - The assessment is missed and cannot be completed
- All days are provider-liable

Top Ten Missed Opportunities
Number Ten:

Scrutinize The Lower 14
Scrutinize The Lower 14 RUG-IV Scores


Lower What???

- Behavioral Symptoms and Cognitive Performance
- BB1 & BB2
- BA1 & BA2
  - ADL Score 5 or less qualifies for this category
Behavioral Symptoms and Cognitive Performance

**Behavior**: Determine whether the resident presents with **one** of the following behavioral symptoms:

- Hallucinations
- Delusions
- Physical behavioral symptoms directed toward others (2 or 3)
- Verbal behavioral symptoms directed toward others (2 or 3)

Behavioral Symptoms and Cognitive Performance

**Behavior**

- Other behavioral symptoms not directed toward others (2 or 3)
- Rejection of care (2 or 3)
- Wandering (2 or 3)
Lower What?

- Reduced Physical Function
  - Category applies if no other category requirements are met
- Restorative nursing
  - PE1 & PE2
  - PD1 & PD2
  - PC1 & PC2
  - PB1 & PB2
  - PA1 & PA2

Lower 14 RUG Classification

- Administrative presumption of coverage **DOES NOT** exist for a beneficiary who is correctly assigned into one of the lower 14 RUG groups on the initial 5-day assessment
- Documentation must support that these beneficiaries meet the level of care requirements
Medicare Program Integrity Manual

Level of Care Criteria Not Met

If the beneficiary does not meet the SNF coverage criteria as defined in Section 6.1.3B, the contractor shall deny the claim in full.

- Medicare Program Integrity Manual Chapter 6 - Intermediary MR Guidelines for Specific Services

Medicare Contractor Guidance

- “Do not gauge your success with billing according to Medicare guidelines by a low denial rate/high pay rate because one hundred percent claims review is not possible, although random claim review selection can uncover billing errors, an expansion of SNF claims review is expected.”
Medicare Contractor Guidance

“SNFs can prepare and be ready for this additional scrutiny by teaching staff about the impact that completing thorough and accurate documentation has on your line of business. A second recommendation includes utilizing risk managers……to ensure claims are compliant with Medicare guidelines inclusive of accurate and adequate supporting documentation.”

Lower 14 RUG Classification

- Patient days that fall into the "lower 14" RUG categories are at a risk of a Medicare Audit
- This sparks an interesting discussion about Medicare eligibility and the facility’s responsibility to provide an entitled service
Lower 14 RUG Classification

- Medicare eligibility is not determined by what RUG group the assessment generates.
- If a patient meets eligibility criteria, he/she is to remain "skilled" until that treatment regimen is essentially stabilized and the patient no longer demonstrates a need for daily skilled services.

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Lower 14 RUG Classification

- Skilled eligibility must be clearly documented to avoid denial of payment under audit.
- Perform in house audit of medical records for "lower 14" RUG scores.
Lower 14 RUG Classification

The patients' skilled needs should be clearly outlined and communicated to the staff to ensure that supportive documentation is present in the medical record on a daily basis.

Top Ten Missed Opportunities

1. Nurses Rule the World
2. Rehabilitation Departments
3. Skilled Therapy Documentation
4. ADL Coding
5. Clinically Anticipated Stay
6. MDS Accuracy
7. Respiratory Therapy
8. Depression
9. ARD Management
10. Scrutinize the Lower 14
Questions/Answers

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