



REGULATORY COMPLIANCE

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□ CMS is Driving Progress Forward



State Operations Manual

- Federal law applying to nursing homes, Nursing Home Reform Law of 1987
- Ominbus Budget Reconciliation Act (OBRA)
- Revisions over the years
- Appendix PP- Guidance to Surveyors for Long Term Care Facilities
- Rev. 107, 4-04-14

Demonstrating Person Centered Care

- Culture change principles echo OBRA principles of knowing and respecting each nursing home resident in order to provide individualized care that best enhances each person's quality of life.
- The OBRA regulations are not, as is commonly perceived, a barrier to culture change, but in fact support it as an optimum implementation of the law that mandates resident dignity, autonomy, and quality of life.

Minimum Data Set (MDS) 3.0

- Change from MDS 2.0 to MDS 3.0 in October of 2010.
- Assessment sections were expanded to include more resident information.
- Revisions last made to MDS 3.0 in October of 2014.
- Ex. Section Q- A direct result of culture change initiatives.

§ 483.10 Resident Rights

➤ F 154

- Informed of Health Status and Care
 - (b)(3)
- The resident has the right to be fully informed in language that he or she can understand of his or her total health status, including but not limited to, his or her medical condition.

➤ F 155

- Refusal of Treatment
 - (b)(4)
- The resident has the right to refuse treatment, to refuse to participate in experimental research, and to formulate an advanced directive as specified in paragraph (8) of this section.

§ 483.15 Quality of Life

- F 240
 - Quality of Life
- A facility must care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.

- F 241
 - Dignity
 - (a)
- The facility must promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of her or her individuality.

§ 483.15 Quality of Life

- F 246
 - Accommodation of Needs
 - (e)(1)

- The resident has the right to-Reside and receive services in the facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered.

- F 248
 - Activities
 - (f)(1)

- The facility must provide for an ongoing program of activities that meet, in accordance with the comprehensive assessment, the interests and the physical, mental, and psychosocial well being of each resident.

§ Quality of Care



- F 309
- Each Resident must receive and the facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.

Surveyors ask Questions

- **Where do all those questions come from ?**



Survey Protocol

- Statute/Law requires a “case mix stratified” sample for the total resident sample selected.
- CMS defines this to include residents who are interviewable and non-interviewable, and residents who require heavy and light care.
- (Appendix P of the State Operations Manual)

Federally Regulated Guidelines

- Guidelines Implemented in 2009:
- Identify choice over daily schedules as a resident and explicitly instruct surveyors to ask questions and observe whether residents are offered choices about daily life activities, such as bedtimes and dining.

Survey Protocol



- Intent
- Interpretive Guidelines
- Procedures
- Probes
- Investigative Protocols

Sources of Evidence

- Observations
- Interviews
- Record Review



Sources of Evidence



- Evidence Substantiates Both Facility Compliance and Facility Non-Compliance with Federal and State Regulations

Quality of Life Model



(Adopted From Ferrell & Grant, 2000)

Nothing is as personal as being able to care for a family members needs



CMS Survey and Certification Letters



- S &C: 14-37-NH
 - July 3, 2014
 - Advance Guidance- Revisions to State Operations Manual (SOM), Appendix PP- Guidance to Surveyors for Long-Term Care (LTC) Facilities and Chapter 4

- S & C: 07-07
 - December 21, 2006
 - Nursing Home Culture Change Regulator Compliance Questions and Answers

Keep asking Questions

- Complexity of the Problem
- Exploring Alternatives
- Reflecting on Actions
- Involving others in Dialogue

(Adapted from Ethics as a Process Perspective)

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