

CITATION REVIEW PROTOCOL

(Pursuant the Public Health Code, Section 333.20155)

November 1, 2007

Bureau of Health Systems

*Michigan Department
of Community Health*



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**DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH SYSTEMS
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Introduction

The Public Health Code, Section 333.20155 (2) states that the department of consumer and industry services (now the Department of Community Health) shall develop a protocol for the review of citation patterns compared to regional outcomes and standards and complaints regarding the nursing home survey process. The review will result in a report provided to the legislature.

Protocol

The department will compare citation patterns with regional and national outcomes by charting the ten most cited deficiencies within Michigan and correlating that data with regional and national data. In comparing the citation patterns, we will highlight areas of non-correlation (Top 10 most cited deficiencies where Michigan outcomes deviate +/- five positions from regional and national outcomes). This review will include standard survey deficiencies and complaint investigation deficiencies. The report will be prepared on a fiscal year basis, and presented by November 1 of each year.

Fiscal Year 2007 Standard Surveys

Attachment A presents the Top 10 citation patterns for standard surveys in Michigan for FY2007, and comparison of those deficiency rates with the regional and national outcomes. The three outcomes that appear to not correspond with regional and national outcomes are 42 CFR 483.60, 483.60(a) & (b)(1), **F425**; 42 CFR 483.60(d), **F431**; and 42 CFR 483.13(c), **F226**. The requirements for F425 include that the facility must provide routine and/or emergency medications and biologicals; second, the facility must have procedures for pharmaceutical services to meet the resident's needs; third, the facility must have a licensed pharmacist who provides consultation and oversees all aspects of the pharmaceutical services; and fourth, the facility must follow applicable laws and regulations about who may administer medications. The requirements for F431 include that the pharmaceutical services must provide for the safe and secure storage of medications, limit access to medications only to authorized staff; label medications in accordance with Federal and State labeling requirements and accepted standards of practice; and have safeguards and systems in place to control, account for, and periodically reconcile controlled medications. Because of the multidisciplinary composition of Michigan's survey teams (nurses, social workers, sanitarians, pharmacists, and dietitians), could be a factor in this ranking, as other States merely employ nurses as surveyors. Our nurse surveyors include pharmacists, psychiatric nurses and master's prepared nurses. Further the determination for compliance these citations would correlate with medication passes and protocol. Thus our employees are well trained to recognize this deficient practice.

The requirements for F226 include that the facility must develop and operationalize policies and procedures for screening and training employees, protection of residents and for the prevention, identification, investigation, and reporting of abuse, neglect, mistreatment, and misappropriation of property. The purpose is to assure that the facility is doing all that is within its control to prevent occurrences. Much emphasis has been placed on the prevention of abuse in nursing homes through out Michigan. A tool for screening nursing home employees is the Criminal Background Check program. This citation receives additional attention in Michigan because of the efforts to enforce this program.

Fiscal Year 2007 Complaint Surveys

Attachment B presents the Top 10 citation patterns for complaint surveys in Michigan for FY2007, comparing those deficiency rates with the regional and national outcomes. One area of outcomes that needs to be addressed, based on the FY2007 data, is Abuse. Abuse related citations are found in the regulations at CFR 483.13(b) and (c) F223, F224, F225, and F226. The intent of these citations is as follows:

F223 Abuse – Each resident has the right to be free from abuse (verbal, sexual, physical, and mental) corporal punishment, and involuntary seclusion.

F224 Staff Treatment of Residents – Each resident has the right to be free from mistreatment, neglect and misappropriation of property.

F225 Staff Treatment of Residents – The facility must not hire a potential employee with a history of abuse, if that information is known to the facility.

F226 Staff Treatment of Residents – The facility must develop and operationalize policies and procedures for screening and training employees, protection of residents and for the prevention, identification, investigation, and reporting of abuse, neglect, mistreatment, and misappropriation of property.

It initially appears that Michigan cites abuse more frequently in complaint surveys than found regionally and nationally. But when all abuse regulations are combined (F223, F224, F225, and F226), the citation rate (101) compared to Illinois (168), Indiana (135), Ohio (125), Wisconsin (87), and Minnesota (65). The data provided by the Centers for Medicare and Medicaid Services supports the assumption that Michigan cites *outcomes* (the abuse), while other States in the region cite the reason for the abuse; employment of abusive staff or lack of policies and procedures. Further, comparing outcomes by combining abuse citation rates from standard and complaint surveys, the regional ranking is Illinois (341 [52 more than FY06]), Ohio (300 [20 more than FY06]), Michigan (253 [35 less than FY06]), Indiana (234 [55 more than FY06]), Wisconsin (166 [17 more than FY06]), and Minnesota (91 [12 more than FY06]).

The data provided for use in these comparisons is gathered from Standard and Complaint Surveys whose results are part of the Centers for Medicare and Medicaid Services data base. Input of the survey results are the responsibilities of each State – including the timeliness of the input. As noted within the database, state-to-state comparisons of recent time intervals must be made cautiously.

Top 10 Citation Patterns Standard Surveys FY2007

Source: Centers for Medicare and Medicaid Services

<u>Citations</u>	<u>Michigan Ranking</u>	<u>Region V Ranking</u>	<u>National Ranking</u>
323	1 (230)	1 (1,491)	1 (5,177)
371	2 (197)	3 (874)	2 (4,937)
309	3 (169)	2 (888)	3 (4,058)
329	4 (122)	7 (703)	10 (2,526)
281	5 (120)	4 (839)	4 (3,886)
253	6 (104)	10 (584)	6 (2,762)
431	7 (93)	18 (375)	14 (1,940)
425	8 (82)	22 (329)	16 (1,815)
226	9 (81)	30 (229)	26 (1,432)
314	10 (76)	5 (834)	8 (2,607)

Top 10 Citation Patterns Complaint Surveys FY2007

Source: Centers for Medicare and Medicaid Services

<u>Citations</u>	<u>Michigan Ranking</u>	<u>Region V Ranking</u>	<u>National Ranking</u>
323	1 (87)	1 (657)	1 (2,385)
223	2 (53)	12 (104)	25 (288)
309	3 (39)	2 (433)	2 (1,894)
225	4 (27)	5 (297)	5 (1,193)
281	5 (23)	4 (351)	3 (1,363)
157	6 (20)	3 (354)	4 (1,229)
314	7 (19)	6 (210)	7 (823)
241	8 (18)	19 (82)	11 (564)
246	9 (14)	20 (79)	22 (320)
279	10 (12)	8 (171)	9 (766)
224	10 (12)	16 (91)	19 (358)