

CITATION REVIEW PROTOCOL

(Pursuant to MCL 333.20155 of Public Act 368 of 1978)

November 2009

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

Public Act 368 of 1978, 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.

Fiscal Year 2009 Standard Surveys

Attachment A represents the Top 10 citation patterns for standard surveys in Michigan for FY2009, and comparison of those deficiency rates with the regional and national outcomes. The one outcome that appears to not correspond with regional and national outcomes is 42 CFR 483.60(d), F431 – Pharmacy Services. The requirement for F431 is that drugs and biologicals used in the nursing home, county medical care facility or hospital long term care unit must be labeled in accordance with currently accepted professional principles, and include the appropriate accessory and cautionary instructions, and the expiration date when applicable. The intent of this requirement is that the facility, in coordination with the licensed pharmacist, provides for: safe and secure storage (including proper temperature controls, limited access, and mechanisms to minimize loss or diversion) and safe handling (including disposition) of all medication; accurate labeling to facilitate consideration of precautions and safe administration of medications; a system of medication records that enables periodic accurate reconciliation and accounting of all controlled medications; and identification of loss or diversion of controlled medications so as to minimize the time between actual loss or diversion and the detection and determination of the extent of loss or diversion.

The multidisciplinary composition of Michigan's survey teams (nurses, social workers, sanitarians, pharmacists, and dietitians), could be a factor in this ranking, especially the inclusion of pharmacists as part of our survey teams, as other States merely employ nurses as surveyors. Because of the extensive training Michigan surveyors have received through their disciplines, they instinctively look to the wide range of needs that are covered in this citation.

Fiscal Year 2009 Complaint Surveys

Attachment B represents the Top 10 citation patterns for complaint surveys in Michigan for FY2009, comparing those deficiency rates with the regional and national outcomes. One area of outcome that shows some deviation, based on the FY2009 data, is F223 Abuse, failure to prevent neglect, misappropriation of resident property. 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.

The data provided by the Centers for Medicare and Medicaid Services (CMS) shows that Michigan citation of F223 ranks higher within Region V (#6 vs. #18) and across the nation (#6 vs. #23). There is insufficient data to explain this variance. Within Region V, Michigan does have the highest citation rate for F223 with 32 citations. However, when all abuse regulations are combined (F223, F224, F225, and F226), Michigan's citation rate (100) compared to Ohio (186), Illinois (162), Indiana (115), Wisconsin (80), and Minnesota (11), is within the region's range, while accounting for merely 15.3% of the total. CMS has noted concerns with the states' ability to differentiate abuse related citations from the four potential areas of citation and stated its intention to consolidate the citations.

Another outcome that appears to not correspond with regional and national outcomes is 42 CFR 483.15(e), F246 – Accommodation of Needs. The requirement for F246 is that the nursing home, county medical care facility or hospital long term care unit must demonstrate that it accommodates residents' needs. For example, if a resident refuses a bath because he or she prefers a shower, prefers it at a different time of day, or on a different day, does not feel well that day, is uneasy about the aide assigned to help, or is worried about falling, the staff should make the necessary adjustments realizing the resident is not refusing to be clean but refusing the bath under the circumstances provided. The facility staff should meet with the resident to make adjustments to accommodate the resident's needs. This includes learning the resident's preferences and considering them when providing care. Other types of accommodations involve rooms arranged such that residents in wheel chairs can easily access personal items and transfer in and out of bed. If the resident is unable to express needs and preferences that would individualize care, the resident's routine should be discussed with a family member or guardian.

The multidisciplinary composition of Michigan's complaint investigation unit (nurses and social workers) could be a factor in this ranking, as other States merely employ nurses as surveyors. Because of the extensive training Michigan surveyors have received through their disciplines, they instinctively look to the wide range of needs that are covered in this citation.

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 FY2009

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 (244)	1 (1,416)	1 (5,304)
371	2 (199)	2 (1,010)	2 (5,171)
329	3 (165)	3 (782)	7 (2,849)
281	4 (158)	7 (715)	3 (4,067)
309	5 (153)	4 (759)	4 (3,908)
253	6 (115)	12 (499)	8 (2,646)
431	7 (114)	15 (436)	12 (2,281)
441	8 (108)	10 (623)	6 (2,929)
279	9 (106)	5 (737)	5 (3,392)
314	10 (94)	6 (734)	11 (2,368)

Top 10 Citation Patterns Complaint Surveys FY2009

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 (104)	1 (661)	1 (2,327)
225	2 (47)	4 (331)	5 (1,194)
309	3 (36)	2 (373)	2 (1,650)
281	3 (36)	5 (276)	3 (1,236)
241	5 (34)	12 (115)	12 (485)
223	6 (32)	18 (86)	23 (237)
157	7 (24)	3 (364)	4 (1,213)
314	8 (23)	6 (265)	7 (775)
246	9 (21)	15 (88)	22 (244)
226	10 (72)	10 (179)	8 (724)