

Long-Term Care Survey Alert

Compliance, Clinical & Survey News to Use

The Medicaid RACs will soon make their debut. "Absent an exception, States will be required to implement their RAC programs by January 1, 2012," states the final CMS rule implementing the program.

"In the light of the fact that SNFs receive a significant part of Medicaid funds as opposed to Medicare funds, it is expected that the percentage of nursing facilities audited by Medicaid auditors will be substantial," warns attorney **Wayne Miller**, with The Compliance Law Group in Thousands Oaks, Calif.

Possible audit areas include the following, says Miller:

- 1) "ensuring that facilities paid on a per diem or all inclusive rate are not unbundling services;
- 2) proper designation of residents as required in skilled vs. 'step down' levels of nursing care;
- 3) quality of care issues like review of care of residents who are frequently admitted to hospitals for acute care issues; and
- 4) transactions with physicians, like medical director or coverage agreements."

Attorney **Paula Sanders** thinks one area of vulnerability for nursing homes will occur in states that allow facilities to bill a hospital reserve day(s) when Medicaid patients are hospitalized. "If the facility bills improperly or its system doesn't pick up timely that someone returned from the hospital, that's an easy automated piece for the RACs" to detect, advises Sanders, with Post & Schell in Harrisburg, Pa.

Also: "Even though they say there won't be overlap between the MICs [Medicaid Integrity Contractors] and Medicaid RACs, I don't know how that can be [as] they are looking at the same thing," adds Sanders. "In my mind, it's difficult to separate the MICs from the Medicaid RACs unless you say the MICs will look more for 'integrity issues' while the Medicaid RACs will focus more on abuse and waste as opposed to fraud."

Check out the CDC's fact sheet titled "Antibiotic use in long-term care facilities." Issued in mid-November, the sheet cautions that "up to 70% of long-term care facilities' residents receive an antibiotic every year." The CDC also notes that "recent studies indicate that multidrug-resistant Gram-negative bacteria are becoming a more important challenge in long-term care." And the agency cautions that "long-term care facilities inconsistently use criteria for diagnosing infection and/or initiating antibiotics." The sheet includes suggested ways for LTC facilities to address the problem; these include obtaining "microbiology cultures prior to starting antibiotics when possible so antibiotics can be adjusted or stopped when appropriate." You can read the entire fact sheet at www.cdc.gov/getsmart/healthcare/learn-from-others/factsheets/longterm-care.html.