

Long-Term Care Survey Alert

Industry Notes: SNFs: Check Out Revised CERT Guidance

Don't fall behind in your compliance with Comprehensive Error Rate Testing (CERT) certifications and recertifications ☐ the **Centers for Medicare & Medicaid Services** (CMS) has released new guidance.

Pay attention: CMS revised MLN Matters SE1428 on Aug. 25 to remove a reference to outpatient therapy in the "Provider Action Needed" section. SE1428 alerts skilled nursing facilities (SNFs) that a major reason for denied claims is failure to obtain certification and recertification statements from physicians or non-physician practitioners (NPPs).

CMS cites this failure as a "major reason" behind the SNF inpatient improper payment rate increasing from 4.8 percent during the 2012 reporting period to 7.7 percent during the 2013 reporting period.

According to CMS, an acceptable certification statement must include the following information:

- The individual needs skilled nursing care (furnished directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services;
- Such services are required on a daily basis;
- Such services can only practically be provided in a SNF or swing-bed hospital on an inpatient basis;
- Such services are for an ongoing condition for which the individual received inpatient care in a hospital; and
- A dated signature of the certifying physician or NPP.

And according to CMS, an acceptable recertification statement must contain the following information:

- The reasons for the continued need for post-hospital SNF care;
- The estimated time the individual will need to remain in the SNF;
- Plans for home care, if any;
- If the reason for continued need for services is a condition that arose after admission to the SNF (and while being treated for an ongoing condition for which the individual received inpatient care in a hospital) this must be indicated; and
- A dated signature of the recertifying physician or NPP.

Link: To read the entire MLN Matters article, go to

www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Downloads/SE1428.pdf.

Is Your Facility Reporting Abuse & Neglect Allegations?

Good news: If your facility is like the vast majority of nursing facilities, you are complying with federal regulations for reporting abuse and neglect allegations. So says a new report from the **HHS Office of Inspector General** (OIG).

The OIG conducted a study to determine how well nursing facilities were complying with federal requirements to report allegations of abuse or neglect to state survey agencies within 24 hours. For the study, the OIG:

- Reviewed a sampling of nursing facilities' policies related to reporting abuse or neglect allegations;
- Reviewed a sampling of nursing facilities' policies related to reasonable suspicions of crimes;
- Surveyed administrators from those sampled facilities; and
- Examined a random sample of abuse/neglect allegations identified from the sampled nursing facilities.

Ultimately, the OIG found that 85 percent of nursing facilities reported at least one allegation of abuse or neglect to the OIG in 2012. Approximately 76 percent of nursing facilities maintained policies that address federal regulations for reporting abuse/neglect allegations and investigation results, and 61 percent had documentation supporting the facility's

compliance with such federal regulations. Also, the sampled nursing facilities reported 53 percent of abuse/neglect allegations and the subsequent investigation results, as federally required.

The OIG made three recommendations to the **Centers for Medicare & Medicaid Services** (CMS), all of which CMS agreed with:

1. Maintain policies related to reporting allegations of abuse or neglect;
2. Notify covered individuals of their obligation to report reasonable suspicions of crimes; and
3. Report abuse/neglect allegations and investigation results in a timely manner and to the appropriate individuals, as required.

To access the entire OIG report, "Nursing Facilities' Compliance with Federal Regulations for Reporting Allegations of Abuse or Neglect," visit <http://oig.hhs.gov/oei/reports/oei-07-13-00010.pdf>.