

# Long-Term Care Survey Alert

## Survey News To Use

### Ready for a comeback by the MDS watchdog, DAVE?

Pronouncements of DAVE's demise were apparently exaggerated. The **Centers for Medicare & Medicaid Services** has awarded a contract similar to the one it had for the Data Assessment Verification MDS watchdog program.

Reviewers will be doing reviews probably beginning in the second quarter of 2006, according to a presentation by CMS' **Mary Pratt, MSN, RN**, at the recent annual **National Association of Subacute and Post Acute Care** conference in Washington, DC. CMS wants the reviews to be a mutually respected opportunity to have experts review the MDS process, Pratt said.

### Get ready to follow the new final rule for posting staffing information on Dec. 7.

According to a final rule published in October and effective Dec. 7, SNFs and nursing homes must comply with staff posting requirements required by the Benefits Improvement and Protection Act (BIPA).

Under the rule, SNFs and NFs must post per shift each day the "actual hours of and total number of hours" that licensed and unlicensed nursing staff directly responsible for resident care worked. Licensed staff means RNs, LPNs or LVNs, and unlicensed staff--certified nursing aides as defined by state law. "Directly responsible for resident care" includes assisting with activities of daily living (ADLs), performing gastrointestinal feeds, giving meds, supervising the care given by CNAs, and performing nursing assessments to admit residents or notifying physicians about a change in condition.

The final rule does not require facilities to collect data on other staff, volunteers or feeding assistants, but facilities may post more data if they choose.

On a daily basis, at the beginning of the shift, NFs and SNFs must post the following data:

1. Facility name
2. Current date
3. Resident census
4. Facility-specific shifts for the 24-hour period (for example 7 a.m.through 3 p.m., 3 p.m. through 11 p.m., and 11 p.m. to 7 a.m.).
5. Categories of nursing staff employed or contracted by the facility, per shift.
6. Actual time worked for the specified categories of nursing staff, including split shifts.
7. Number of nursing staff working per shift.

You don't have to use a CMS-specific form. But the facility must display nurse staffing data in a clear, readable and uniform manner. The data must be displayed in a clearly visible place, states the reg.

SNFs and NFs also must maintain nurse staffing records for 18 months or as required by state law, whichever is greater.

**Visual aid:** If you're looking for a guideline about how to format the data, the final rule includes an illustration of an acceptable form. Go to [www.cms.hhs.gov/providerupdate/regsum.asp](http://www.cms.hhs.gov/providerupdate/regsum.asp).