



Regulatory Roundup

Weekly Webinar for Long-Term Care Professionals

 [IHCA.org/regulatory-roundup](https://ihca.org/regulatory-roundup)

PRESENTERS

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Team Members from

Indiana Department of Health

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Today's Agenda

- QMA Curriculum and New PLA Platform – Suzanne Williams
- Frequent questions and some answers – Dr. Vuppalanchi & Janene Gumz-Pulaski
- CMS Proposed Rule on Beneficiary Appeal Process for Reclassified Hospital Stay – comments due February 26, 2024 – Lori Davenport
- NCAL Update – Lori Davenport

Frequently Asked Questions

Question:

- What type of precautions are required when a person has RSV?

Answer:

- Contact and Standard for the duration of the illness

Questions #2



Question:

- We are in an outbreak of COVID-19 and RSV mix; does everyone need to wear a mask?
- What is recommended?

Answer:

- Appropriate masks must be used by care givers for the care of residents in TBP.
- It is up to the facility to implement added precautions according to your facility policy.

Question #3

Question:

- If a person with RSV can continue to shed the virus for 4 weeks---- how do you know when to stop precautions?

Answer:

- Contact and Standard for the duration of illness. In immunocompromised patients, extending the duration of contact precautions may be needed due to prolonged shedding. Consult specialist if prolonged symptoms warranting prolonged isolation.

Question #4



Question:

What is the reporting definition (to the IDOH) for any type of outbreak?

Answer:

- Three (3) cases (of same infection) in residents in one defined area (such as a hall, unit, neighborhood, street, pod, secured unit, vent unit) in a 48-hour period; or 10% or more of the current building census.

Question #5



Question:

- What do I do if one roommate has RSV or COVID-19 and the other one does not and will not move?

Answer:

- Inform of the risk and their choice and document in the medical record.

Question #6



Question:

- Can I move a resident with Medicare or Medicaid into a bed that is not designated for their payor and still get paid because of an infection requiring precautions for one of the roommates?

Answer:

- All waivers related to bed flexibilities are expired. Currently the answer is no.

Question #7



Question:

- Can I wear the same mask all day without changing it when some of the residents are COVID positive and some are not, and some have RSV?

Answer:

- No. Any time you take care of someone in precautions/ isolation, you must discard that mask after that encounter. Wear an appropriate mask based on the facility policy (such as facility is implementing facility wide mask use) or wear one when entering the next isolation room.

CMS Proposed Rule



- CMS issued a proposed rule on December 27, 2023, related to the Medicare Program: Appeal Rights for Certain Changes in Patient Status, which establishes appeals processes for Medicare beneficiaries whose inpatient hospital stays were later reclassified to outpatient receiving observation services.
- This proposed rule offers additional beneficiary protections to assure the 3-day qualifying hospital stay requirement to access the Medicare Part A skilled nursing facility (SNF) benefit has been met.
- Appeal process will help prospectively and retrospectively.

Importance of Proposed Rule

- This appeal process will help Medicare beneficiaries access SNF Part A benefit.
- The proposed rule will establish appeals processes to comply with a court order issued in *Alexander v. Azar*. The proposed processes would apply to certain Medicare beneficiaries who are initially admitted as hospital inpatients but are subsequently reclassified as outpatients receiving observation services during their hospital stay and meet other eligibility criteria.

The proposed rule:



- Expedited Appeals
- Standard Appeals
- Retrospective Appeals – dating back to January 1, 2009

Appeals processes



- CMS is proposing the following:
 - Medicare Administrative Contractors (MACs) will perform the first level of appeal followed by Qualified Independent Contractor (QIC) reconsiderations, Administrative Law Judge (ALJ) hearings review by Medicare Council, and judicial review.
 - Note: The appeals processes proposed in the rule do not extend to enrollees in Medicare Advantage plans.
 - Comments are due Feb 26, 2024

AHCA/INCAL



- Has long advocated for counting observation stays toward the three-day stay requirement or waiving the three-day stay requirement all together.
- Improving Access to Medicare Coverage Act – bipartisan bill would help Medicare beneficiaries who are hospitalized in observation by requiring that time spent in observation be counted towards meeting the three –day prior inpatient stay. – AHCA/INCAL is endorsing

NCAL released the 2023 edition of Assisted Living State Regulatory Review

<https://www.ahcancal.org/Assisted-Living/Policy/Pages/state-regulations.aspx>

Assisted Living State Regulatory Review



- A full report, along with summaries for each state are available to members of IHCA/INCAL.
- Summarizes key selected state requirements for assisted living licensure or certification.
- Provides information for every state and the District of Columbia on several topics including recent legislative and Regulatory updates.

Report Findings



- 20 states updated AL regulations, statues and policies between July 1, 2022, and July 1, 2023.
 - Forty-four states (86%) have infection control requirements in place.
 - Forty-five states and the District of Columbia (90%) have emergency preparedness requirements established.
 - Twenty-four states (47%) have quality measurement, data collection, or quality management requirements.

IDOH LTC Newsletter January 11

<https://www.in.gov/health/ltc/files/LTC-Newsletter-2024-01-Jan-11-24.pdf>

Next Meeting is February 1 at 12pm EST

Q&A

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