

Aging Division Healthcare Licensing and Surveys Newsletter



Wyoming Department of Health

Message from Laura Hudspeth, State Survey Agency Director/Administrator

Welcome to the Wyoming Department of Health, Aging Division, Healthcare Licensing and Surveys newsletter.

I want to thank you, and each of your staff, for your unwavering dedication and sacrifices during the COVID-19 public health emergency. Words are not enough to thank you for your strength, courage, and tireless efforts during these unprecedented times.

The COVID-19 pandemic has also provided us with many lessons learned. One of those lessons is the importance of ongoing communication and staying connected at all times. With that said, Healthcare Licensing and Surveys will be enhancing our current communication mechanisms by providing timely and relevant information through this quarterly newsletter.

The Wyoming Department of Health and the Centers for Medicare and Medicaid Services (CMS) have many online resources to support health care providers. Below are links to some of those resources:

- Wyoming Department of Health: <https://health.wyo.gov/>
- Healthcare Licensing and Surveys: <https://health.wyo.gov/aging/hls/>
- CMS: <https://www.cms.gov/>
- CMS Policy and Memos to States and Regions: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions>
- CMS Coronavirus waivers & flexibilities: <https://www.cms.gov/coronavirus-waivers>
- Creating a Roadmap for the End of the COVID-19 Public Health Emergency: <https://www.cms.gov/blog/creating-roadmap-end-covid-19-public-health-emergency>

I also encourage you to feel free to email us at wdh-ohls@wyo.gov, or call 307-777-7123, with any regulatory related questions. Healthcare Licensing and Surveys staff are happy to assist you with your inquiries.

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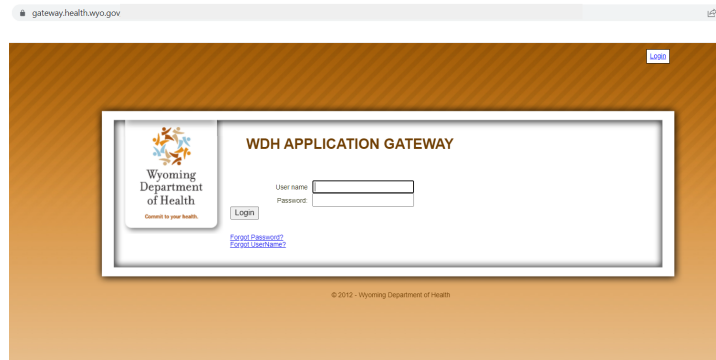
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2022 Fall Edition

Business Office Branch

Electronic Incident Database



The Electronic Incident Database is for the submission of required provider self-reported incidents. Upon receipt of an Incident Database User Access Request Form a user will be provided, via secure email [gsecure via Zix], a username and password (you may need to check your spam folder). The access form must have an individual valid email to create an account.

A form will also need to be completed for any updates (email change, addition of another facility, etc.) and to delete any users as needed.

The access form, user guide and etc. can be found at: <https://health.wyo.gov/aging/hls/healthcare-facility-incident-reporting/>

Significant changes to the database are planned for the near future. The changes will help guide the investigation

A few tips:

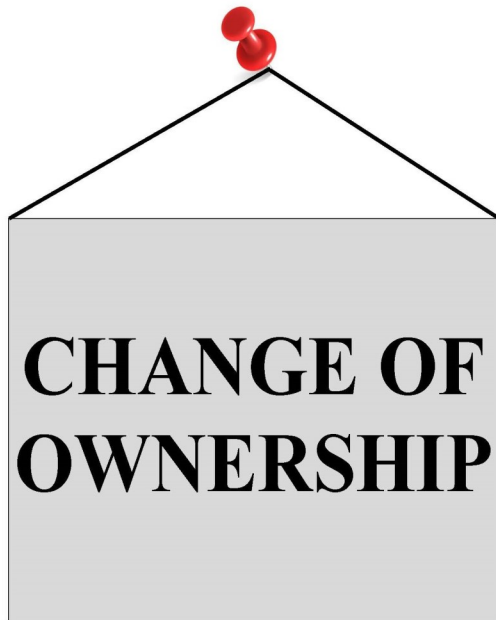
User passwords expire every 40 days. You are not sent a reminder email when expiration occurs. We recommend that users routinely change their password on a specific date each month. If your account becomes lock after too many failed login attempts, contact us and we can unlock your account. Contact our office if a system generated temporary password is needed and one can be sent to you via secure email.

Before you use any temporary password we highly recommend you:

- 1) Clear your browser history/cache;
- 2) Completely close the browser; and
- 3) Reopen the browser and try again.

There is a “Session Expires” clock at the top of each incident. Please periodically save the incident as you progress along in the document. If this expiration clock expires, the system will automatically log you out and will not save your information, unless it has been saved automatically prior.

If an incident is rejected and sent back to your inbox, the “notes” tab at the top of each incident will provide information as to why the incident was rejected. Please ensure once you have entered the additional information or attachment needed that you return to the main incident page and resubmit the incident.



Change in Ownership (CHOW)

Whenever an owner is contemplating or negotiating the sale of a provider (CHOW), advanced notification needs to be provided to our office. Submit a letter plainly describing exactly what is occurring through the CHOW process (lease, purchase of assets, stock transfer (%), etc.) The letter should include: name of facility being sold, who the new owner will be, tentative effect date, contact person, etc.

For Medicare/Medicaid certified providers, the notice should also identify if the new owner will or will not be accepting assignment of the existing provider agreement. It is helpful to know as much as possible about the transaction in advance. A simple pre and post organizational chart reflecting the legal relationships among the owning entities and providers involved is also useful. The two-part diagram visually displays the ownership relations as they appeared before and after the date of a possible CHOW. If there will be some sort of management agreement, draft copies of those agreements may need to be submitted as well.

For any CHOW, the new owner will need to complete all the licensure and certification paperwork, for their facility type. Information is located at: <https://health.wyo.gov/aging/hls/facility-types/>. Although our office processes the CHOW paperwork for Medicare/Medicaid certified providers with CMS, Wyoming Medicaid may require new owners to complete a new enrollment application with their office. Please contact them directly in regard to the process and timelines. They can be reached at: Wyoming Medicaid, 307-777-7531 or <https://health.wyo.gov/healthcarefin/medicaid/>

Ancillary Service Location

In the event that a provider wishes to add a new/additional service location or relocate an existing one, please contact our office first. The location will need to be reviewed and approved by our office before you can begin any services in the location. Further direction will be provided once you have contacted our office.

Life Safety & Construction

The Life Safety & Construction Branch is updating the Jurisdiction Delegation over healthcare facilities and the list of Third-party Plan Reviewers and Inspectors this fall.

- ◆ Any municipalities that would like jurisdiction over healthcare facility construction must submit the following to plans-ohls@wyo.gov:
 - ◆
 - * A copy of the city ordinance pertaining to healthcare construction
 - * Name of each reviewer and/or inspector and their qualifications
- ◆ All Third-party Reviewers and/or Inspectors must submit an application to plans-ohls@wyo.gov. The application and instructions can be located at: <https://health.wyo.gov/aging/hls/healthcare-facility-construction/>

Jurisdiction Over Healthcare Facility Construction

Some Wyoming municipalities have requested jurisdiction over healthcare facility construction. When possible, these requests (which apply only to final plan reviews and inspections related to the International Building Codes) have been granted. *The option to use a third-party reviewer and/or interim inspector does not apply in those jurisdictions.*

The Department will continue to review and approve all preliminary plan submissions. In addition, the Department will continue to perform all final licensure and Life Safety Code inspections.

Third-party Plan Reviewers and Inspectors

The purpose of qualifying third-party plan reviewers and inspectors is to ensure healthcare facilities have a choice between using third-party reviewers or HLS engineers for the plan review and interim inspection process for construction projects.

Individuals and organizations may apply to be qualified by HLS to function as a third-party reviewer and/or inspector. A list of qualified reviewers and/or inspectors and their contact information will be maintained on the HLS website. Healthcare facilities may decide to contract with a third-party reviewer for final plan reviews and interim construction inspections.

HLS will continue to conduct all preliminary plan reviews, in accordance with W.S. 35-2-906. HLS will continue to conduct all final inspections for licensure and any applicable Life Safety Code inspections.

In the event a facility opts not to use a third-party plan reviewer or interim inspector, the necessary work will be done by HLS engineering staff.

Healthcare Surveillance Branch

Nursing Homes

Are you ready for Phase 3?

The Centers for Medicare and Medicaid Services (CMS) released a memo on June 29, 2022, **memo QSO-22-19-NH** providing information about revisions to surveyor guidance. These revisions include clarifications and technical corrections of Phase 2 guidance, and new guidance for Phase 3 requirements, which went into effect November 28, 2019. Information about this memo, and associated resources can be found at:

<https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfopolicy-and-memos-states-and/revise-long-term-care-surveyor-guidance-revisions-surveyor-guidance-phases-2-3-arbitration>.

Surveyors will begin using this guidance to identify noncompliance beginning October 24, 2022.

Some of the significant changes include:

Abuse and Neglect. CMS clarifies compliance, abuse reporting, and provides examples of abuse that, because of the action itself, would be assigned to certain severity levels.

Mental Health/Substance Use Disorder (SUD). CMS addresses rights and behavioral health services for individuals with mental health needs and SUDs.

Nurse Staffing (Payroll-Based Journal). CMS describes how it will use payroll-based staffing data to trigger deeper investigations of sufficient staffing and added examples of noncompliance.

Infection Control. Facilities are required to have an Infection Preventionist (IP), who works at least part-time onsite at the facility. The IP must have specialized training; CMS has made this training available.

Arbitration. CMS clarifies existing requirements for compliance when arbitration agreements are used by nursing homes to settle disputes.

Phase 3 requirements such as Trauma Informed Care, Compliance and Ethics, and Quality Assurance Performance Improvement (QAPI) as well as the clarifications of Quality of Life and Quality of Care, Food and Nutrition Services, and Physical Environment are also included in this guidance.

Training Resources:

CMS has provided training in the Quality, Safety, and Education Portal (QSEP) (<https://qsep.cms.gov/welcome.aspx>) for surveyors and nursing home stakeholders to explain the updates and changes to the regulations and interpretive guidance. Additional updated resources, such as updated Critical Element Pathways, will be made available in early September, 2022.



Sections K and M: Navigating the Minimum Data Set (MDS) to Ensure Accurate Nutrition, Wound Assessment and Coding

Hello,

Join Jennifer LaBay RN, RAC-MT, RAC-MTA, QCP, CRC, for this 60-minute webinar on **September 20, 2022, at 2:00 PM MDT, 12:00 PM AKDT and 10:00 AM HST**. This webinar is sponsored by the Wyoming Department of Health.



This webinar will help the nurse assessment coordinator and the interdisciplinary team understand the connections between these two MDS sections and how what might appear to be an insignificant change may, in fact, trigger the need for a Significant Change in Status Assessment.

During this webinar, you will learn how to:

- Understand MDS coding instructions for sections K and M
- Explain the difference between stageable versus unstageable pressure ulcers/injuries
- Recognize common resident changes that may result in a Significant Change in Status
- Assessment related to skin and nutrition

About the Speaker:

Jennifer is a curriculum development specialist with the American Association of Post-Acute Care Nursing (AAPACN). She has been involved in the Resident Assessment Instrument (RAI) process since 1997. She has been in the post-acute care arena since 1991, serving in a variety of capacities including CNA, charge nurse, MDS coordinator and regional corporate clinical reimbursement specialist. Jennifer has considerable expertise in the MDS 3.0 and RAI process, the prospective payment system (PPS) and ICD-10, including the clinical and financial aspects.

The meeting will be conducted via Zoom. After registering, you will receive a confirmation email containing information about joining the meeting.

Register at:

<https://mpqhf.zoom.us/meeting/register/tZlqdeiuqTspHta6q7hJ5Jij2mllw785utBr>

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