

# LTC REGULATION UPDATE

2022 LONG-TERM CARE PROVIDER MEETING



Shelly Williamson, Administrator  
Section for Long-Term Care Regulation  
Missouri Department of Health and Senior Services  
[www.health.mo.gov](http://www.health.mo.gov)

MISSOURI DEPARTMENT OF  
**HEALTH &  
SENIOR SERVICES**

## DHSS/SLCR UPDATES

- Introductions
- Director's Office Update
  - DHSS
  - DRL

## STATE LEGISLATIVE CHANGES

- Compassionate Care Visits and Essential Care Giver Program - <https://revisor.mo.gov/main/OneChapter.aspx?chapter=191>
- Inspection Frequency, SOD, POC - <https://revisor.mo.gov/main/OneChapter.aspx?chapter=198>
- Supplemental Health Care Services Agencies - <https://revisor.mo.gov/main/OneChapter.aspx?chapter=198>

## MEDICAL MARIJUANA

### Facility Actions

- Will your facility allow residents to possess it on your premises?
  - If yes, what forms are allowed? edible, oil, cigarette, vaping
- Incorporate those decisions into Policy/Procedures/Admission Agreements
- Share the policy and procedures with current residents/responsible parties, staff, and individuals seeking admission.

Security considerations? No facility access. Only accessible by resident or designated caregiver. Designated Caregivers cannot be a “facility”.

## REGULATORY ACTIVITIES

- Regulatory Activities
  - Priority A- allegations of immediate jeopardy/imminent harm
    - Priority A complaints in past 12 months: 1,704
    - August 2022- 147 complaints
  - Priority B- non-IJ high
    - Priority B complaints in past 12 months: 7,568
    - August 2022- 749 complaints
  - Annual Inspections
    - Surveys- 271 of 514 surveys are beyond 15.9 months

## CLASS I/IMMEDIATE JEOPARDY

- Number of IJ citations increased in 2021 and is continuing increased pace in 2022
  - CPR – Certified Homes
    - CPR certified staff on duty on all shifts – have tracking system in place
    - Consistent orders in medical record
    - Staff are aware where to find code status
    - All staff have appropriate certification, including agency staff. Certification must be for Healthcare Providers and include a hands-on practice and in-person skills assessment. Online-only certifications do not meet the requirement.
  - Quality of Care
    - Changes in condition
    - Implementing physician orders
  - Staffing
  - Path to Safety
  - Abuse
- Review concerns over last year and implement measures to address.

## CMS STAFFING STUDY TO INFORM MINIMUM STAFFING REQUIREMENTS FOR NURSING HOMES

- **Centers for Medicare & Medicaid Services Staffing Study to Inform Minimum Staffing Requirements for Nursing Homes**
  - Adequate staffing is closely linked to the quality of care residents receive.
  - Initiative to establish new minimum staffing requirements so every nursing home has sufficient staff who are adequately trained to provide the safe and quality care residents need.
  - CMS has launched a multi-faceted approach aimed at determining the minimum level and type of staffing needed to enable safe and quality care in nursing homes, including a Request for Information and a new study.
  - [CMS staffing study blog site](#)

## CMS STAFFING STUDY TO INFORM MINIMUM STAFFING REQUIREMENTS FOR NURSING HOMES

- Request for Information: CMS received over 3,000 comments from a variety of interested parties including advocacy groups; long-term care ombudsmen; industry associations (providers); nursing home staff and administrators, and family members of nursing home residents.
- Site Visits: Will be conducted in 75 nursing homes across the United States, in 15 states- including Missouri.
  - Onsite interviews with nursing home leadership, direct care staff (including RNs, LPNs/LVNs, and CNAs), and residents and their family members will be conducted to better understand the relationship between staffing levels, staffing mix (what types of staff are present), and resident outcomes and experiences (i.e., clinical outcomes, safety, health disparities).
  - Observational data will be collected onsite who will observe and record time spent on care provision, including taking care to differentiate time spent on care provision from time spent on administrative nursing.

## COVID-19 GUIDANCE FROM CMS UPDATED

New guidance issued by CDC and CMS on Friday, September 23, 2022.

- QSO-20-39-NH - Nursing Home Visitation - COVID-19 Revised
- QSO-20-38-NH - Interim Final Rule (Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency related to Long-Term Care (LTC) Facility Testing Requirements)

## LTC COVID-19 RESOURCES

- **Guidance**
  - **LTC Guidance**
    - <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/professionals.php#collapseSix>
- **Free Antigen Testing Supplies**
  - The Missouri Department of Health and Senior Services (DHSS) continues to have an adequate supply of free ACON Flow Flex rapid antigen tests all Long Term Care Facilities may apply to receive. Full details regarding the product, CLIA requirements, standing physician orders, and the Rapid Antigen Test Kit Application can be found here: <https://ltc.health.mo.gov/archives/15339>.
- **PPE**
  - Missouri has limited PPE reserves to assist in filling these critical needs and will prioritize healthcare providers providing direct care to confirmed or suspected COVID patients. Note requests should only be submitted after all normal supply chains have been exhausted and you have a supply of twenty-one days or less on hand. <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/ppe.php>

## LTCF RESOURCES

- For Long-Term Care updates, subscribe to our weekly listserv at <https://cntysvr1.lphamo.org/subscribe/tc.html>
  
- LTC Blog: <https://ltc.health.mo.gov/>
  
- CMS Resources – QSO Memos
  - QSO Memos
    - <http://www.cms.hhs.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/>
    - click on 'Policy and Memos to States and Regions'
  - <https://qsep.cms.gov/welcome.aspx>
  - <https://qcor.cms.gov>

THANK YOU

[SHELLY.WILLIAMSON@HEALTH.MO.GOV](mailto:SHELLY.WILLIAMSON@HEALTH.MO.GOV)

573-526-4872