

How the Laws, Regulations, and Survey Guidelines Support Culture Change

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It's a Journey—not a Destination!!

- Re-visiting a 1993 presentation to IDEA.
 - “The Future of Long Term Care” – keynote speech
- Remembering CMS Live Webcast, September 2002.
 - “Innovations in the Quality of Life – Pioneer Network”



Major Themes of OBRA '87

- Change from “patient” to “resident” to convey respect
- Survey process is resident-centered and outcome oriented
- Good assessment is at the heart of providing good care
- Facilities are expected to maintain/improve well-being to the extent possible

Major Themes of OBRA '87 (Cont.)

- Quality of Life and Rights are as important as Quality of Care
- Physical restraints are dangerous
- Medication is not to be used to control resident behavior for staff convenience
- Environment should be therapeutic as well as clean, comfortable, and homelike

Intent of Current Survey Process

- Appendix P: Survey Protocol:
 - Standard Survey = a resident-centered, outcome oriented inspection
 - Relies on a case-mix stratified sample
 - Outcomes are both actual and potential
 - Process evaluates the facility's compliance in assisting residents to achieve their highest practicable level of well-being

Intent of Current Survey Process

- The Standard Survey assesses:
 - Compliance with residents' rights and quality of life requirements.
 - The accuracy of residents' comprehensive assessments and the adequacy of care plans based on those assessments.
 - The quality of care and services furnished.
 - The effectiveness of the physical environment to empower residents and accommodate residents' needs.

Applying a New Mindset to the Regulations

- OBRA began to move the survey process away from the medical model.
- Focus on individual outcomes, and away from paper-compliance.
- Surveyors look at individual resident care over all days of the survey.



Regulations to Consider



483.10 Resident Rights

- F151 – The resident has the right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility.
- F154 – The resident has the right to be fully informed, in a language he or she understands, of his or her total health status.

Regulations to Consider



483.10 Resident Rights

- F157 – The facility must inform residents and their legal representatives when there is a change in their condition, about accidents, a need to alter treatment, and when there is a change in room or roommate assignment.

Regulations to Consider



483.10 Resident Rights

- F164 – The resident has the right to personal privacy and confidentiality of his or her personal and clinical records.
- F165 – The resident has the right to voice grievances without discrimination or reprisal.
- F169 – The resident has the right to work or not to work for the facility.

Regulations to Consider



483.10 Resident Rights

- F174 – The resident has the right to have reasonable access to the use of a telephone where calls can be made without being overheard.
- F176 – An individual may self-administer drugs if the interdisciplinary team has determined that this practice is safe.

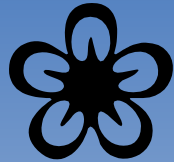
Regulations to Consider



483.13 Resident Behavior and Facility Practices

- F221 – The resident has the right to free from any physical restraints imposed for the purposes of discipline or convenience and not required to treat his/her medical symptoms.
- F223 – The resident has the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.

Regulations to Consider



483.15 Quality of Life

- F241 – The facility must promote care for residents in a manner and in an environment that maintains or enhances each resident’s dignity and respect in full recognition of his or her individuality.
- F242 – The resident has the right to make choices about aspects of his or her life in the facility that are significant to the resident.

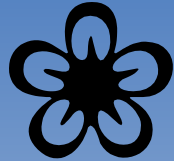
Regulations to Consider



483.15 Quality of Life

- F246 – The resident has the right to reside and receive services in the facility with reasonable accommodations of individual needs and preferences.
- F247 – The resident has the right to receive notice before the resident's room or roommate in the facility is changed.

Regulations to Consider



483.15 Quality of Life

- F248 – The facility must provide for an ongoing program of activities designed to meet the interests and the physical, mental, and psychosocial well-being of each resident.
- F252 – The facility must provide a safe, clean, comfortable and homelike environment, allowing the resident to use his or her belongings to the extent possible.

Regulations to Consider



483.20 Resident Assessment

- F280 – A comprehensive care plan must be developed after the comprehensive assessment, and be prepared by an interdisciplinary team that includes to the extent practicable, the participation of the resident, the resident's family or legal representative.

Regulations to Consider



483.25 Quality of Care

- F309 – Each resident must receive and the facility must provide the necessary care and services to attain and maintain the highest practicable well-being.
- F310 – Activities of Daily Living don't diminish unless clinically unavoidable.

Regulations to Consider



483.25 Quality of Care

- F329 – Each resident’s drug regimen must be free from unnecessary drugs.
- F330 – Residents who haven’t used antipsychotic drugs are not given them unless the therapy is necessary to treat a specific condition.

Regulations to Consider



483.35 Dietary Services

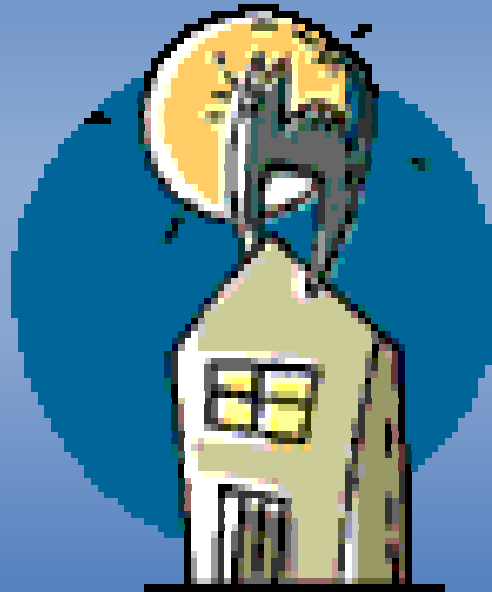
Regarding buffet and home style dining:

- F364 – Residents receive food that conserves flavor and appearance, is palatable, attractive, and at the proper temperature.
- F371 – The facility must serve food under sanitary conditions.

Regulations to Consider

- Meal time hours—no more than 14 hours between supper and next day breakfast, unless Resident Council approves up to 16 hours (F368)
- Facility can comply with expanded meal hours, reheating for residents who want to sleep late

What About Our Furry Friends?



What About Our Furry Friends?

OBRA doesn't prohibit pets. Surveyors will look for:

- Evidence pets are kept away from meal prep areas
- Facility is kept clean
- Vaccinations are up to date
- Residents who don't want to be near pets are given their choice

What's New?

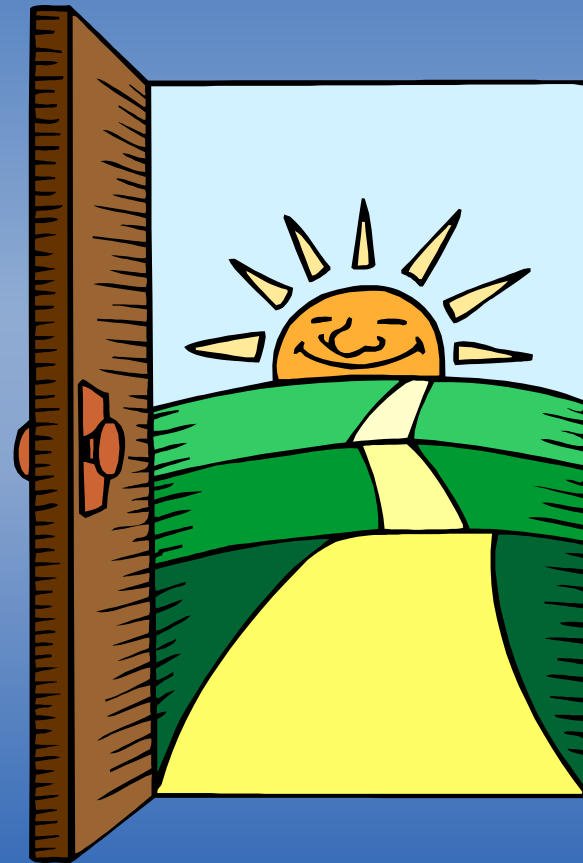
- New Life Safety Code allows “performance based design” – gives more leeway for innovative building designs
- CMS Sharing Innovations in Quality (SIQ) Repository has opened with summaries of practice guidelines applicable to nursing homes. Will soon link to QIO site
- www.cms.hhs.gov/medicaid/survey-cert/siqhome

What's New (Continued)

- Rothschild Foundation—new grant to study all state regulations and develop a searchable database, to determine if any state regulations are in the way
- Two-part CMS broadcast on person-centered dementia care
 - www.cms.internetstreaming.com

What's Next

- A commitment from ADHS to train surveyors and re-focus attention on culture change.
- A commitment to keep an active presence and involvement in the culture change project.



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