

AHCA|NCAL NOTES

- 2 Program focuses on academic community partnerships.
- 3 Premium package packs a punch at AHCA/NCAL Convention.
- 7 Association announces Silver Quality Award recipients.

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CMS Seeks One-Year Delay for Some RoP Provisions, Issues Final Arbitration Rule

In a big day for long term and post-acute care (LT/PAC) providers and the regulatory framework they work under, the Centers for Medicare & Medicaid Services (CMS), issued two rules on July 16. One is a proposed rule covering changes to the Requirements of Participation (RoP) for the Medicare and Medicaid programs, and the second a final rule on pre-dispute arbitration agreements.

In the RoP proposed rule, CMS said the draft works to “emphasize the agency’s commitment to ensuring safety and quality in nursing homes” and at the same time allow providers to keep their focus on their residents “by saving them \$616 million in administrative costs annually that can be reinvested in patient care.”

A significant proposed change is that CMS has delayed implementation of some Phase 3 requirements for one year from the original November 2019 date, including components of the Quality Assurance and Performance Improvement (QAPI) requirements and portions of the Compliance and Ethics Program requirements.

In evaluating the proposal, David Gifford, MD, AHCA senior vice president of quality and regulatory affairs and chief medical officer, said, “We are pleased that CMS preserved important advances in these regulations such as those addressing infection control and prevention and resident rights.”



At the same time, he noted, “CMS has recognized the need to eliminate regulations that result in unnecessary paperwork. Many of the changes in today’s proposed rule will allow caregivers to devote more time to resident care instead of completing paperwork that does not help keep residents safe and healthy.

“Nursing homes are already providing quality care each day. CMS measures show improvement on 18 of 24 key areas. Unnecessary use of antipsychotic medications is declining. More people are returning home after successful rehabilitation,” Gifford said.

“More regulations are not the way to incentivize quality improvement. This rule recognizes that more paperwork and administrative requirements take

time away from nurses who want to spend more time at the bedside.”

The arbitration rule drew preliminary praise from LT/PAC provider advocates. Mark Parkinson, AHCA/NCAL president and chief executive officer (CEO), said, “We are still reviewing and evaluating the final rule, but we applaud CMS for allowing skilled nursing facilities to use pre-dispute arbitration agreements. We are concerned about CMS adding any conditions or administrative requirements when Congress has spoken on this topic.”

In the final rule, CMS explained that its action on pre-dispute binding arbitration was part of a broader update to what has been a lengthy

CONTINUED ON PAGE 7

Vision 2025 Seeks a Sharper Focus on Academic Community Partnerships

“We have to look at every avenue to address the workforce challenge,” says Lindsay Schwartz, PhD, AHCA/NCAL associate vice president of workforce quality and improvement. Key to this are viable partnerships, and that is the impetus behind the cutting-edge Vision 2025 program, of which AHCA/NCAL is a key player and supporting organization.

Launched during a recent symposium featuring 130 high-level

about partnerships,” she says, stressing that no one group or organization can solve the problem in isolation. Instead, there is a need for a road map and strategy that everyone can embrace.

During the symposium, participants voted on key strategies to pursue. Several top priorities emerged: design of career paths, investment in educational programs (through grants, foundations, and so on), stakeholder collaboration, and increasing exposure to the field among younger and second-career

Vision 2025 participants stressed the importance of promoting the positives of working in long term care.

Toward that end, creative efforts such as communities offering room and board in exchange for students providing volunteer services (such as a music program for residents) have potential.

“These sorts of intergenerational programs are a tremendous benefit,” Schwartz says. “They take down walls, and that exposure can hopefully inspire many students to pursue long term care as a lifelong career.”

The symposium was an important start to this groundbreaking effort. “Bringing all of these stakeholders together to have an impact and take specific action is key. And it’s important for AHCA/NCAL to be involved and give our members a voice,” says Schwartz.

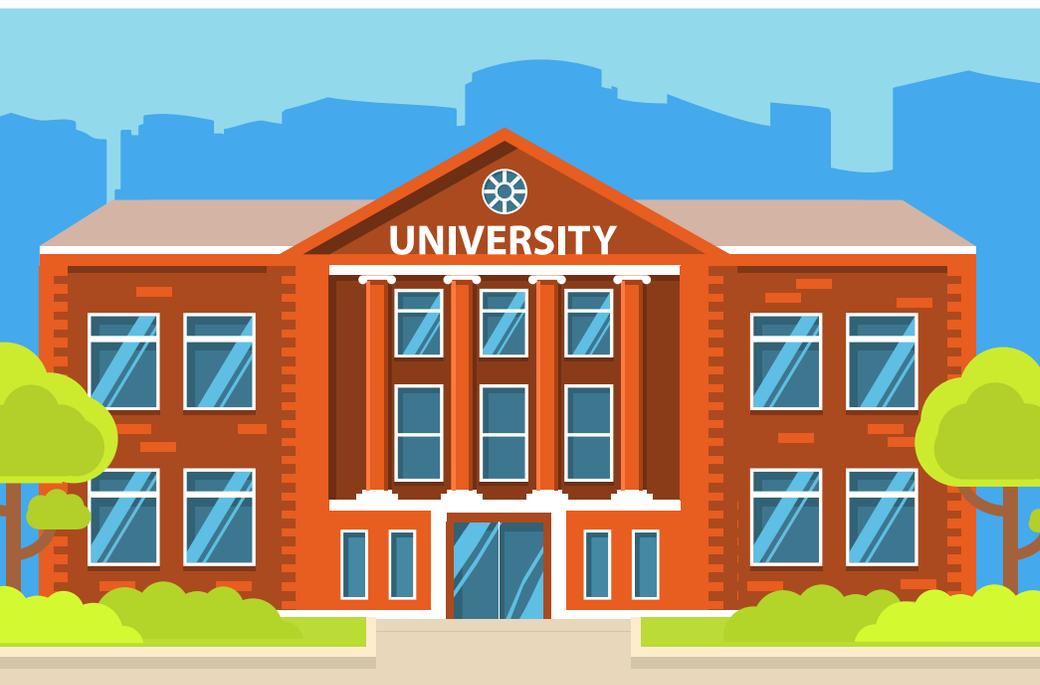
In the meantime, Schwartz urges members to start making connections in their regions.

“It is empowering to reach out to universities, colleges, and even high schools and trade/vocational schools to see how you can work together to address workplace shortages,” she says.

“Think of what you can offer them—talks, teaching, internships, training programs—to gain their buy-in and engagement. The situation is urgent and won’t go away anytime soon.”

In addition to involvement with Vision 2025, AHCA/NCAL has introduced efforts such as the Why I Care project and the Workforce Resource Center (www.ahcancal.org/workforce).

There is much more to come from AHCA/NCAL on workforce issues. In the coming months, watch this newsletter and other AHCA/NCAL sources for news about research regarding the state of the profession and the leadership impact, dissemination of findings and follow-up reports, and development of a model to guide the advancement of strategies, among other actions. ✨



providers, university representatives, and other stakeholders, Vision 2025 has a goal of developing 25 college-based programs offering senior services management training and producing 1,000 paid internships for future leaders by 2025.

“Providers can connect with colleges and universities and partner with them in a variety of capacities,” says Schwartz. These include administrator-in-training programs, classes taught by providers and practitioners, paid internships, and other efforts. “This is

students. The top vote-getting idea was greater support for administrator-in-training programs, followed by better partnership within the field and clarity around training needs.

“The focus on these issues didn’t surprise me,” Schwartz says. “We’ve already been working on efforts such as increasing awareness of long term care and promoting opportunities in the field. Focuses such as paid internships are important; most students can’t afford to work for free. That was a big discussion at the symposium.”

Premium Package Packs a Punch

The 70th AHCA/NCAL Convention & Expo is packed with cutting-edge information, tools, solutions, ideas, experts, and more. Now you can get even more out of the program with the Premium Full Meeting Package for this year's event, set for Oct. 13-16 in Orlando, Fla. For one special rate, you'll get admission to:

- All educational sessions (excluding those sold as a separate ticketed event);
- Welcome Reception;
- Opening General Session, Closing General Session, and the AHCA/NCAL Awards Ceremony;
- Two days (Monday and Tuesday) in the Expo Hall with lunch included;
- AHCA/NCAL National Quality Award Ceremony & Celebration; and
- Hospitality Hop hosted by Medline.

You'll also get access to the Convention & Expo mobile app and Tuesday's ID/DD and Not-for-Profit programs. Additionally, you will receive a session proceedings package that gives you post-convention access to session handout files synced to the session audio files. You can use this to earn post-convention, additional NAB- and ANCC-approved CEs good for one year.

This is the perfect way to get the most out of your action-packed days in Orlando, while making it easier than ever to access all of the resources and materials you need for a successful convention. Thanks to this special package, access doesn't end after you leave Orlando. You can review programs, share information with your team, and collect additional CEs in the months that follow.

To register or for more information, go to www.AHCAconvention.org.

Innovative Workforce Solutions Await You in Orlando

Workforce shortages are on everyone's mind, and the 70th AHCA/NCAL Convention & Expo will provide you with some innovative solutions. Among

the education sessions focusing on workforce issues:

- Putting the "A" in Accountability; From Front to Middle;
- Renewing Your Vows of Employee Engagement and Retention;
- From Training to Competency: Creating Efficiencies to Ensure Excellence & Achieve Business Goals;
- Engaging Technology to Address Today's Workforce Challenges;
- Solutions for Staffing Problems.

■ Pioneering Solutions to the Workforce Crisis;

- It's Not just about Compression Socks; Servant Leadership and Engagement—The Perfect Pair; and

Go to www.AHCAconvention.org and look through all 22 tracks of learning. With more than 70 sessions offered, you are likely to find a number to meet your needs and interests. Plan ahead, and come home with ideas, tools, resources, and ideas you can share with your team and implement right away. ✨

Orlando Attractions: More than Theme Parks

While the 70th AHCA/NCAL Convention & Expo has programming and activities to keep you busy in Orlando, you may want to get out and about with colleagues, friends, and family. If theme parks (Disney and Universal Studios) aren't your cup of tea, there is much more to do. Consider:

■ The Wheel at ICON Park, a 400-foot observation wheel that offers a breathtaking view of downtown Orlando.



■ Kennedy Space Center, NASA's launch headquarters and the only place to see astronauts and rockets and experience a flight simulation.

■ WonderWorks, featuring 100-plus hands-on science exhibits and educational programming for children and adults alike.

■ Gatorland: The Alligator Capital of the World, a must-see for those with a passion for Everglades nature, culture, and animals. More than gators, the 110-acre park and wildlife preserve is filled with exhibits, rides, and entertainment.

■ Boggy Creek Airboat Tour, a ride through the central Florida Everglades, home to alligators, turtles, birds, and other wildlife.

■ Madame Tussauds Orlando, featuring life-like wax figurines of celebrities and historic figures.

■ SEA LIFE Aquarium Orlando, offering an up-close and personal look at sharks, rays, turtles, and more.

■ Titanic: The Artifact Exhibition, with tours hosted by actors playing the parts of real passengers and crew. You'll see artifacts from the actual Titanic and a reproduction of its famous staircase, a replica stateroom, and one of the largest pieces of the ship's hull ever recovered.

■ Congo River Adventure Golf, a place for family fun with mini-golf, caves to explore, alligators to feed, video games, and more.

Of course, there's plenty of fun available, even if you don't stray from the Convention & Expo. For instance, Sunday's Welcome Reception offers great food and live entertainment, and Tuesday's Hospitality Hop, one of the most popular social events, gives you a chance to enjoy great food and drink while networking and catching up with friends. ✨

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AHCA **NCA** **L** PUBLICATIONS

AHCA/NCAL Named a Top Workplace for Fifth Consecutive Year

AHCA/NCAL has been named among the 2019 Top Workplaces in the Washington, D.C., area by *The Washington Post*. This is the fifth year in a row that the organization has received this prestigious honor. Additionally, AHCA/NCAL President and CEO Mark Parkinson was singled out for recognition as a Top CEO in the small-employer category.



“This is a tremendous honor,” said Parkinson. “It is rewarding to know that not only is the work you do helping people, but the staff are truly passionate about making a difference. That passion shows through in the culture we’ve built and in both of these special recognitions. It is a pleasure to work alongside and lead this committed group of talented professionals every day.”

Selection as a Top Workplace is based solely on employee feedback

gathered through an anonymous third-party survey administered by research partner Energage, which measured several aspects of workplace culture, including alignment, execution, and connection. This year’s list honors more than 150 companies, including government contractors, law firms, nonprofits, schools, and businesses.

“Now in its sixth year, *The Post*’s Top Workplaces list continues to reflect companies in the region that cultivate a connection with their workforce,” said *Washington Post* Top Workplaces Editor Dion Haynes. “It’s clear from the survey that these organizations share a commitment to providing support and an environment that makes employees feel valued and respected.”

This is Parkinson’s first selection as a Top CEO. Energage surveyed hundreds of employees in the Washington area to rate the extent to which they

have confidence in their company’s leadership. He received the highest marks in the small-employer category for 2019. Parkinson has been AHCA/NCAL President and CEO since 2011. He also served as the 45th governor of Kansas. Prior to that, he was an owner and operator of long term care facilities in Kansas and Missouri.

In an interview with *Provider*, Parkinson talked about what he’s learned about treating people “as people.” He said that it’s about really “trying to understand where people are coming from. In other words, being a better listener... . When you see people as people, you’re interested in what they are saying, where they are coming from, what’s motivating them, and what they need.”

Read the full interview with Parkinson at www.providermagazine.com/news/Pages/2019/0719/Association-CEO-Says-Connection,-Metrics-Key-to-Employee-Engagement.aspx. ❄

Finding it Tough Teaching the Nuances of Value-based Purchasing? We Can Help.

Need to teach new employees about value-based purchasing (VBP)? AHCA has an education program designed to help you do just that. For just \$25 for members (\$65 for nonmembers), you can help your staff understand this complex topic and succeed under the Centers for Medicare & Medicaid Services (CMS) value-based purchasing payment program (SNF VBP) that took effect last October.

The course, “Understanding SNF VBP in Detail,” includes six modules that provide an in-depth description of each feature of the program, plus helpful tools, documents, and references.

Administrators, directors of nursing, and any staff who are responsible for



payment models and rehospitalization reduction efforts will benefit from this training program. Participants will learn:

- How CMS calculates the measures, risk adjustment, facility score, and payment adjustment.
- How to use and access the CMS

SNF VBP feedback reports and the SNF Performance Score Report.

- Specifics of applying the incentive payment multiplier.
- How to use the SNF VBP predictor calculator to estimate the financial impact various skilled nursing facility readmission measure rates have on your Part A revenue.
- How you can adopt best practices to help receive an increase in your Medicare Part A payments or avoid a payment penalty.

For more information or to register for this training program, go to <https://educate.ahcancal.org/p/snfvbp>. ❄

A SPARK of creativity

National Assisted Living Week®
SEPTEMBER 8-14, 2019

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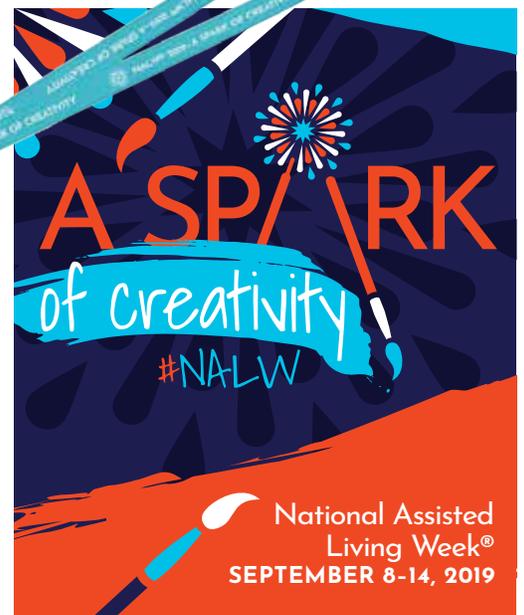
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Silver Quality Award Recipients Announced

AHCA/NCAL has announced the 183 long term and post-acute care providers in 42 states and the District of Columbia that have earned the 2019 Silver - Achievement in Quality Award. The award is the second of three distinctions possible through the AHCA/NCAL National Quality Awards Program, which recognizes providers across the nation that have demonstrated their commitment to improving quality of care in long term and post-acute care.

"It's amazing to see so many member centers and communities receiving this award," says Mark Parkinson, president and CEO of AHCA/NCAL. "Despite all of the challenges we face as a profession, I continue to be astonished by the quality outcomes our members achieve. It's an honor to be able to recognize them for their dedication to improving lives."

Based on the National Institute of Standards and Technology's Baldrige Performance Excellence Program, the AHCA/NCAL National Quality Award Program challenges member providers to achieve excellence in quality through three progressive levels—Bronze, Silver, and Gold. Members at the Silver

award level develop and demonstrate effective approaches that help improve performance and quality outcomes.

"It's quite an honor. It speaks to the quality of care offered in our facility," says Luanne Gerig, executive director at Betz

Nursing Home of Auburn in Indiana, one of this year's Silver Award recipients. She adds, "It's a team effort. We work together every day."

Alana Wolfe, chair of the AHCA/NCAL Quality Award Board of Overseers, says,

"These recipients are making a difference for their residents and communities. This award

level shows that these providers are setting and reaching quality goals, and I commend them for this outstanding achievement."

Going through the Baldrige criteria and the Quality Award program process not only gives communities a tremendous sense of pride, accomplishment, and inspiration, it also prepares them for the influx of changes and challenges coming down the pike.

California-based The Pines at Placerville Healthcare Center



achieved the Silver Award in 2016, and Administrator Jared Edmunds says, "The award helps us to be able to create and monitor systems such as PDPM [Patient-Driven Payment Model]. To succeed with PDPM, you need a solid system of communication that involves nursing, therapy, admissions, and others interacting on a regular basis.

"To achieve the Silver Quality Award, you have to have this communication system in place. So we are prepared and have more confidence going toward with changes such as PDPM and Phase 3 of the Requirements of Participation," he says.

This year's Silver recipients may next apply for the Gold – Excellence in Quality Award by further developing comprehensive strategies that meet the demands of the full Health Care Criteria for Performance Excellence. A full list of Silver and Bronze recipients is available on the AHCA/NCAL Quality Award website at www.ahcancal.org/quality_improvement/quality_award/Pages/QualityAwardRecipients.aspx.

Watch for an announcement of 2019 Gold award recipients.

The 2019 program is sponsored by AHCA/NCAL Associate Business Members: First Quality, NRC Health, Team TSI Corp., and MatrixCare. Recipient organizations will be honored during AHCA/NCAL's 70th Convention & Expo this October in Orlando, Fla. 🌟

CMS Issues Final Arbitration Rule

CONTINUED FROM PAGE 1

process. In October 2016, the agency said the Obama administration banned the use of pre-dispute binding arbitration agreements in long term care facilities, but never enforced the ban due to a legal challenge and subsequent injunction. Less than a year later, the new Trump administration published a proposed rule that would remove the ban on such agreements.

CMS said it had determined that

resident rights must be protected by allowing them the ability to choose their method of dispute resolution, "while preserving access to all possible choices, including arbitration, a method that often costs residents much less than litigation."

Thus, the agency said, it is allowing binding arbitration agreements, but it will prohibit nursing facilities from requiring residents to sign them as a

condition for receiving care and will require nursing facilities to inform residents or their representatives that they are not required to sign a binding arbitration agreement.

"Finally, CMS is prohibiting nursing home arbitration agreements from including language preventing residents or anyone else from communication with federal, state, or local officials," the agency said. 🌟

'A Spark of Creativity' Resources Available for National Assisted Living Week

Sept. 8-14, National Assisted Living Week, is rapidly approaching. Go now to www.nalw.org and download your planning guide, logos, and other materials to use as you gear up for this important celebration. Think now about how you will promote the theme, "A Spark of Creativity."

Through this year's theme, assisted living communities everywhere can help inspire residents to tap into their creative side, whether through the arts or other activities. Specifically, residents are encouraged to explore art therapy as it can offer many benefits to older adults, such as improving

cognitive and sensory-motor functions, fostering self-esteem and self-awareness, cultivating emotional resilience, enhancing social skills, and reducing and resolving conflicts and distress, according to the American Art Therapy Association.

Additionally, the theme aims to inspire assisted living staff to get creative in their efforts to further person-centered care for residents. Staff at all levels are encouraged to offer ideas that could help improve each resident's quality of life. Reach



out to those whose bright lights started with a 'spark of creativity,' and hear and share their stories.

"National Assisted Living Week is a time to celebrate, but it's also a time to reflect and think about ways assisted living can continue to grow," says NCAL Executive Director Scott Tittle. "A Spark of Creativity' encourages everyone to get their creative juices flowing—whether it's residents trying out new things, or caregivers exploring innovative ways to improve care and community life." ✨

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