

Office of Inspector General Finds Skilled Nursing Facilities Often Fail to Meet Care Planning and Discharge Planning Requirements

Last month, the Office of Inspector General (“OIG”) released a study which found that many of the patients at skilled nursing facilities (“SNF”) within its sample did not have documented resident care that met the care planning and discharge planning participation requirements often cited under F279, F283, and F201-F206¹. (<https://oig.hhs.gov/oei/reports/oei-02-09-00201.pdf>). Along with the release of this study, the OIG also made recommendations to CMS in order to gain better compliance with these requirements. CMS concurred with the recommendations and will implement them as described below.

Study Findings – In reviewing SNF resident records from 2009, the OIG investigation found that 37 percent of the sampled resident stays at SNFs did not have care plans properly developed or services provided in accordance with care plans as required by regulations. For 26 percent of the sample, the SNF did not meet at least one of the care plan requirements. The study also found that 19 percent of the sample did not have care plans developed to address resident problem areas, 7 percent did not have care plans that included goals and timeframes to meet those goals, and for 2 percent

of stays, an interdisciplinary team did not complete the care plans. Of particular note, the study found that for 15 percent of the sampled stays, the SNF did not provide services as called for by the care plans.

The study also looked at the sample to determine compliance with discharge planning requirements. Of the stays reviewed, 31 percent did not meet at least one discharge planning requirement. For 16 percent, the SNF did not complete summaries of the beneficiary’s stay or status at discharge, and 23 percent did not complete post-discharge plans of care.

Finally, the study found examples of poor quality care related to wound care, medication management, and therapy.

OIG Conclusions and Recommendations – After completing the study, OIG developed recommendations for CMS, to “address the vulnerabilities identified in this report.” The OIG recommended that CMS:

1. Strengthen regulation on care planning and discharge planning,
2. Provide guidance to SNFs to improve care planning and

discharge planning,

3. Increase surveyor efforts to identify SNFs that do not meet care planning and discharge planning requirements,
4. Link payments to meeting quality of care requirements, and
5. Follow up on the SNFs that fail to meet care planning and discharge planning requirements or that provide poor quality of care.

CMS concurred with all five of these recommendations. CMS is currently conducting a comprehensive review of the long term care participation requirements and will look closely at the care planning and discharge planning requirements to ensure that they are effective. Additionally, CMS has formed a work group to identify areas of the State Operations Manual to “better address the discharge planning requirements.”

What this means – This study is one of several the OIG is conducting about SNF payments and quality of care, with more to come. But most immediately, CMS states that it will continue to analyze survey data to determine methods to better enforce the requirements relating to care planning and discharge planning.

¹ 42 CFR §483.20 and 42 CFR §483.12.

This will inevitably lead to a state surveyor focus on these areas during annual surveys. It is imperative that SNFs review their policies and procedures to determine whether they are meeting the long term care participation requirements regarding care planning and discharge planning for residents in their care, and that they

internally review compliance; particularly as mandatory compliance plan requirements become effective March 23, 2013.

If you have questions or need assistance with revising your company's policies and procedures relating to care planning or discharge planning,

please contact Mary Malone, Jeannie Adams, or Emily Towey at (866) 967-9604, or by email at mmalone@hdjn.com, jadams@hdjn.com, or etowey@hdjn.com. Additional information about Hancock, Daniel, Johnson & Nagle, P.C. is available on the firm's website at www.hdjn.com.

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