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MEMORANDUM

April 1, 2002

To: Clients
From: Mary Chiles, RN
Re: Updates

My Accessibility

I have entered into agreements with several clients who have facilities that are located in areas that have poor pager reception or extend beyond the capability of my pager. If you page me and I do not answer you within the hour, please call my office and leave a message. When I am in an area that I know does not have good transmitter reception, I will make an effort to check phone messages several times daily and return your call as soon as possible.

Assistance

I have entered into an agreement with Nancy Newman, a registered nurse, to assist me on numerous projects. Although relatively new to long-term care, Nancy is an experienced nurse with good clinical knowledge, extensive quality improvement experience, and she is a nurse paralegal. I believe that Nancy provides an asset to many of the services that I provide and will assist me in meeting your needs in the most comprehensive and efficient manner.

HIPAA

HIPAA is not a mis-spelling of "hippo" although the changes that may impact your facility because of the new HIPAA [Health Insurance Portability and Accountability Act] may be gigantic. If you have not started your risk assessment or started thinking about the ways that you do daily business or you do not understand the new interpretations and federal applications for terms such as: "consent and notice"; "minimum necessary"; "oral communications"; "business associates"; "marketing", etc. – you are behind the times. Let me know if you need some assistance to understand and become compliant with the new HIPAA requirements – I will be co-presenting with Peter Mellette and William Quirey of Crews & Hancock [healthcare law firm] at the VHCA Payment for Services Conference on April 26 on ways to effect effective HIPAA compliance.

Proposed Federal Regulations – Feeding Assistants

CMS has published *proposed* regulations that would provide States the flexibility to allow long term care facilities to use paid feeding assistants to supplement the services of CNAs. A copy of the proposed regulations may be found in the March 29, 2002 Federal Register, or you may contact me and I will be glad to send you a copy. CMS will accept comments through May 28, 2002.

Medicaid RUGs

While we continue to struggle with the reimbursement challenges resulting from this year's General Assembly, it appears that the new Medicaid RUGs system will become effective July 1, 2002. It is anticipated that Medicaid scrutiny of documentation to support MDS coding will be comprehensive and conducted outside of the MDS accuracy review process conducted during your certification surveys. It is critical that you have accurate and consistent documentation systems in place that reflect your resident's condition/behaviors; services provided; and type and amount of assistance provided. This is the time to make sure that your daily documentation as well as your monthly nursing summary forms facilitates accurate completion of the MDS. All direct care staff need to have an understanding of MDS definitions and applications.

