

A publication of  
Compliance Review  
Services, Inc.

# COMPLIANCE REPORT

FEBRUARY 2005

VOLUME 1, ISSUE 1

## Compliance Review Services, Inc.

Consulting & Training  
Services

9898 Bissonnet Street  
Suite #650  
Houston, TX 77036

Phone: (713) 776-3566  
Fax: (713) 271-5878

Email:  
Info@ComplianceReview  
Services.com

Website:  
www.ComplianceReview  
Services.com

**CEO & Principal Consultant**  
Kimberley Kelly, RN, BSN,  
CLNC

**VP of Operations & General  
Manager**  
Karen Akerman

**Educational Coordinator**  
Janice M. Johnson-  
Umezulike, RN, BSN, MN,  
CNS, DNS

## RULE AND REGULATION UPDATES STATE/FEDERAL

### State to enforce timeliness of providing documents

According to Ron McBride at the State local office, agencies going through their initial survey must provide documents to the surveyors in a timely manner. During a telephone conversation on February 8, 2005, Mr. McBride informed Kimberley Kelly, RN, BSN, CLNC, CEO of Compliance Review Services, Inc., that per CMS direction, if the surveyor feels an agency is taking too long to provide required documents that it should have had ready, the surveyor can decide to *stop* the survey and *deny* the certification. It is paramount that agencies have all required information, including the client census list, up-to-date and ready at all times.

### When and how to submit a change of ownership

If an agency has received a new tax ID or changed its ownership (more than 50%), it must complete a change of ownership or CHOW. There are specific rules and timelines for notifying Austin about this

change. According to Mary Jo in Austin, an agency must call Rhonda Brown (512-438-2213) 60 days before the effective date of the change. In addition, a completed home health application must be in Austin 30 days prior to the effective date, or the agency will be charged a late fee penalty of \$250.

### Notifying State of management personnel change

If an agency changes its Administrator, Alternate Administrator, or CFO, the local State office must be notified in writing immediately. The State is required to perform a criminal history check on persons these positions, and we recommend the agency does this as well.

### Are you running a branch office or a drop site?

It is very important that an agency follows the State's rules for operating a branch office and understands what constitutes a branch. If you are unsure, it is best to contact us or the State for clari-

CONTINUED ON PAGE 3

## Calendar of Events

**2/21** **President's Day Holiday**  
Office closed

**2/25** **QA Programming**  
1:00 p.m.-4:00 p.m.

**3/15** **Supervising Nurse** (four-day course: 3/15, 17, 22, 24)  
9:00 a.m.-4:00 p.m.

**3/22** **How to Run Your Home Health Agency**  
10:00 a.m.-4:00 p.m.

**3/23** **QA Programming**  
1:00 p.m.-4:00 p.m.

Call 713-776-3566 to request a registration form, or go to [www.ComplianceReviewServices.com](http://www.ComplianceReviewServices.com) to download one.

## COMPLIANCE UPDATES WORK PACKAGES FOR SALE

### Civil rights package requested at initial survey

During an initial survey conducted earlier this month, the surveyor presented the Medicare agency with the civil rights package and expected the agency to complete the forms and provide the required policies and documents. This is a *new* process. Anyone who has purchased a startup from our consulting firm that has not yet had their initial survey needs to contact our office immediately so you can purchase the civil rights package and have it on-site during your initial survey. The fee for this package is \$200.00.

### Primary Home Care rule change

A new PHC rule states an agency can develop its own program-specific individualized service plans and other such documents. PHC forms do not contain all of the elements required for PAS licensing so our consulting firm felt that this was good news. We have designed a PHC ISP, orientation form, and service delivery form that meets PHC as well as PAS requirements. We have also updated our policies to meet the new

requirements that came out June 1, 2004. If you are participating in the PHC program, make sure you have updated your policies and educational handouts to meet these guidelines. If you are interested in obtaining our policy package, please contact Karen Akerman, VP of Operations, at 713-776-3566, ext. 106.

### Physician stamp signature regulatory change

If your agency plans on accepting a physician stamp as a signature, there are very specific rules and regulations that must be followed. If you would like to see the related DADS Provider Letter, there is a link to it on the Special Bulletin page of our website. We are also selling a physician stamp compliance package for a nominal fee (request form on our website).

### RN delegation policy change

In the RN delegation policy of your policy manual, please make sure it references the correct chapter, which is 225. This chapter number is a recent change. If you need an update, we have a package available for a nominal fee. ❖

■ To purchase a  
 ■ compliance update  
 ■ work package,  
 ■ please call **713-  
 776-3566** and  
 request an order  
 form.

## RULE AND REGULATION UPDATES BNE

### New Standards of Practice (Rule 217.11)

Please be advised that the BNE has implemented a new combined Standards of Nursing Practice (Rule 217.11). It is important that each agency reads and understands these rules, particularly as they apply to supervising LVNs, defining where they may practice nursing, and differentiating between focused and comprehensive assessments. The new rules in their entirety may be viewed on the BNE website.

### Nursing license renewal verified online

The BNE will no longer issue licensing cards at renewal. Instead, agencies will need to log onto the BNE website and verify renewal. Be sure you have evidence of license renewal in the personnel file by printing out this verification from the website. ❖

Visit the BNE website at  
[WWW.BNE.STATE.TX.US](http://WWW.BNE.STATE.TX.US)

## STATE/FEDERAL UPDATES, CONT'D

CONTINUED FROM PAGE 1

fication before doing anything (such as renting space or installing phone lines). If you are identified as operating a branch without a license, you could potentially lose your Medicare provider number/contract. Therefore, it is our firm's position that an agency should not maintain any type of drop site for staff convenience.

The following characteristics define a location as a branch office, not a drop site:

- Staff at location
- Phone, forms, or supplies at location
- Medical or personnel records at location
- Location advertised as part of agency
- Referrals accepted at location

### New HCSSA rules expected

Kimberley Kelly, RN, BSN, CLNC, CEO of Compliance Review Services, Inc., was invited by DADS to sit on the new HCSAA rule review committee. She expects to receive the proposed rule changes for comment on February 21, 2005, and will provide updates as appropriate.

### Current regulations about service areas

We recently had an agency ask about having Louisiana counties in its service area. Please be aware that if you are a home health agency in Texas, your service area must be within the

State of Texas, and all counties in your service area must be within a manageable driving distance (defined as a one-hour drive). The State also wants all counties, not portions of counties, in your service area list.

### New Medicaid fraud and abuse rules

There are new rules that take effect January 9, 2005, in regards to fraud and abuse for Medicaid Title V and Title XX programs. It is important for all agencies that receive payments from these sources to understand the definition of abuse and the process for investigations. For more information, please contact our office.

### CDC TB guidelines to include home-based care

Our startup packages have always included infection control policies that meet CDC guidelines, even though the guidelines didn't speak specifically to home health. It seems that the CDC guidelines are now going to include home-based care. One minor change is that the TB test can be the tuberculin skin test (TST) instead the purified protein derivative (PPD). Clients who asked us to remove the then-optional infection control policies from their documentation will not be compliant with the new CDC guidelines once this rule becomes effective. ❖



CLICK ON [www.ComplianceReviewServices.com](http://www.ComplianceReviewServices.com)

Did you know you can find a wealth of useful information on our website?

- A calendar of upcoming seminars (including registration forms)
- A list of our continuing education, training, and CPR courses

- Links to State and Federal license and regulatory agency websites
  - A Special Bulletin page with news and links to DADS Provider Letters
  - Biographies and photos of our staff
- Be sure to check us out! ❖



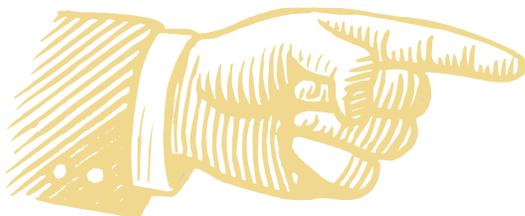
# **Compliance Review Services, Inc.**

## Consulting & Training Services

9898 Bissonnet Street, Suite 650  
Houston, TX 77036-8202

### **FEATURED IN THIS ISSUE**

State to enforce timeliness of providing documents.....	<b>1</b>	New Standards of Practice (Rule 217.11).....	<b>2</b>
When and how to submit a change of ownership .....	<b>1</b>	Nursing license renewal verified online.....	<b>2</b>
Notifying State of management personnel change.....	<b>1</b>	New HCSSA rules expected.....	<b>3</b>
Are you running a branch office or a drop-site? .....	<b>1</b>	Current regulations about service areas.....	<b>3</b>
Civil rights package requested at initial survey .....	<b>2</b>	New Medicaid fraud and abuse rules.....	<b>3</b>
Primary Home Care rule change .....	<b>2</b>	CDC TB guidelines to include home-based care .....	<b>3</b>
Physician stamp signature regulatory change.....	<b>2</b>	Click on <a href="http://www.ComplianceReviewServices.com">www.ComplianceReviewServices.com</a> .....	<b>3</b>
RN delegation policy change.....	<b>2</b>		



*For an electronic version of this newsletter, visit our  
website at [www.ComplianceReviewServices.com](http://www.ComplianceReviewServices.com).*