



**Leading Age Wyoming Conference  
May 2014**

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# **Wyoming State Survey Agency**

**Ron Pearson, MHA, CFAAMA  
Director**

**Laura Hudspeth, MSc, RD, LD  
Chief, Healthcare Surveillance Branch**

# Our Mission

## – Federal (85%):

- **Serve as the agency for certification of healthcare facilities operating in Wyoming (Title XVIII, Social Security Act, Section 1864)**
- **Serve as the agency for standards and certification of clinical laboratories (42 CFR 493)**
- **CMS Survey and Certification program assures basic levels of quality and safety for Medicare and Medicaid beneficiaries**
- **HLS acts on behalf of the Secretary (HHS) as Federal Contractor applying and enforcing Federal standards**

## – State (15%):

- **Serve as the regulatory agency for licensure to operate within Wyoming (WY Statutes 35-2-901 thru 35-2-910, and 35-9-121.1)**
- **Protect health, safety and welfare of patients (residents) of licensed healthcare facilities**
- **Jurisdictional authority over fire safety and building codes for construction involving healthcare facilities**

# Healthcare Licensing & Surveys

**State Survey Agency Director/  
Administrator, HLS**

EXMT02

Ron Pearson, M.H.A., CFAAMA

## **Business Office**

BABO09

Tammy Schmitt

BAAS06

Joyce Bailey

BAAS05

Kim McColl

BAAS05

Vicki Hamel

## **Life Safety & Construction**

ENAR12

Todd Wyatt, AIA

ENEG12

Milt Wemer

ENEG10

Pat Davis

HSHP09

Jeff Shahan

## **Health Care Surveillance**

HSHP11

Laura Hudspeth, MSc, RD, LD

GROUP A

(Lead Surveyor)

HSHP10

Julia Van Dyke

HSHP09

Janelle Conlin

HSHP09

Lisa Quick

HSHP09

Lori Ruess

HSHP09

Tony Madden

HSHP09

Josie Colton

GROUP B

(Lead Surveyor)

HSHP10

Linda Brown

HSHP09

Russ Forney

HSHP09

Pat Prince

HSHP09

Connie Chapman

HSHP09

Kathy May

HSHP09

(Vacant)

# Branches

- **Business Office**
  - Manages daily operations of office including records, reports, equipment, supplies, vehicles, IT, budget, and HIPAA/FOIA requests
  - Performs licensing and administrative functions
  - Maintains HLS website and training records
- **Health Care Surveillance**
  - Schedules and conducts unannounced, on-site, objective, and outcome-based surveys
  - Investigates complaints from all sources including EMTALA violations
  - Reviews/validates incidents reported by providers
  - Oversees CNA/LTC Abuse Registry and CNA Training Program
  - Directs training program
- **Life Safety & Construction**
  - Reviews and approves healthcare construction plans and projects
  - Conducts Life Safety code surveys for licensure and certification



# Surveyors

Surveyor	Certification (SMQT)	Experience (Yrs)	Credentials
Linda Brown	Health	12	RN, BS, CPHQ
Connie Chapman	Health	3	RN
Josie Colton	Health	<1	RN, BSN
Janelle Conlin	Health	13	OTR/L
Russ Forney	Health, CLIA	8	PhD, MT
Tony Madden	Health	7	RN
Kathryn May	Health	3	RN
Pat Prince	Health	20	RN, BSN
Lisa Quick	Health	<1	RN, BSN
Jeff Shahan	Life Safety	<1	RT, BS, MHA
Lori Reuss	Health	9	RD, LD
Julia Van Dyke	Health	1	RN
Average		6.3 yrs	

PROVIDER TYPE	# IN WYOMING	LICENSED ONLY	CERTIFIED ONLY	LICENSED & CERTIFIED	DEEMED
Adult Day Care Center	8	8			
<b>Assisted Living Facility</b>	<b>26</b>	<b>26</b>			
Ambulatory Surgical Center	19			19	3
Boarding Home	9	9			
Critical Access Hospital	16			16	1
Community Mental Health Center	3		3		
Comprehensive Outpatient Rehabilitation Facility	1			1	
End Stage Renal Dialysis Center	9			9	
Federally Qualified Health Center	13		13		
Freestanding Diagnostic Treatment Center	1	1			
Home Health Agency	42	14		28	1
Hospital	11			11	10
Hospice Facility	19	1		18	
Intermediate Care Facility for Mentally Retarded	1			1	
<b>Nursing Care Facility</b>	<b>38</b>			<b>38</b>	
Outpatient Physical Therapy/ Speech Pathology	1		1		
Psychiatric Residential Treatment Facility	3		3		
Psychiatric Hospital	2			2	
Rehabilitation Facility	2	2			
Rehabilitation Hospital	1			1	1
Rural Health Clinic	18		18		
Total Providers	243	61	38	144	16

# Clinical Laboratory Improvement Amendments (CLIA)

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- **424 CLIA sites in Wyoming**
  - 331 perform waived testing
  - 42 are deemed (evaluated by accrediting organization)
  - 51 are surveyed by HLS biennially
- **HLS evaluates proficiency testing results for non-waived tests**
- **Application reviews (8-10 monthly)**
  - **New laboratories**
  - **Changes in services**
  - **Changes in laboratory directors**

# How HLS Is Evaluated

- **Standard Surveys**
  - Comprehensive survey of all major requirements for quality
- **Complaint Investigations**
  - Investigation of complaint and provider's compliance with CMS requirements
- **Comparative Surveys**
  - CMS conducts independent survey within 60 days of State survey to compare results
- **Observational Surveys (Federal Oversight Surveys)**
  - CMS team accompanies State survey team
- **State Performance Standards Review**
  - CMS assessment of State Survey Agency's performance in targeted review areas
    - Frequency (6 standards)
    - Quality (8 standards)
    - Enforcement (3 standards)



# State Performance Evaluation (FY 2013)

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FREQUENCY	Met / Not Met
Off Hours Surveys for Nursing Homes	Met
Frequency of Nursing Home Surveys	Met
Frequency of Non-Nursing Home Surveys – Tier 1	Met
Frequency of Non-Nursing Home Surveys – Tier 2	Met
Frequency of Non-Nursing Home Surveys – Tier 3	Not Met
Frequency of Data Entry of Standard Surveys (Non-Deemed Hosp/NH)	Met
Timeliness of Upload of Complaint Surveys (Non-Deemed Hosp/NH)	Not Met

# State Performance Evaluation (FY 2013)

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QUALITY	Met / Not Met
Documentation of Deficiencies on Form CMS-2567	Met
Conduct of NH Surveys IAW Federal Standards (FOSS)	Met
Documentation of Non-Compliance IAW Federal Standards (FOSS)	Met
Prioritizing Complaints and Incidents	Met
Timeliness of Complaint and Incident Investigations	Met
Quality of EMTALA Investigations	Met
Quality of Complaint/Incident Investigations for Nursing Homes	Met

# State Performance Evaluation (FY 2013)

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ENFORCEMENT	Met / Not Met
Timeliness of Mandatory DPNA Notification for Nursing Homes	Met
Processing of Termination Cases for Non-NH Providers/Suppliers	Met
Special Focus Facilities for Nursing Homes	Met

# CLIA State Agency Performance Review (FY 2013)

CRITERION	Met / Not Met
Survey Time Frames	Met
Proficiency Testing Desk Review	Met
Outcome-oriented Survey Process	Met
Principles of Documentation	Met
Acceptable Plan of Correction	Met
Complaints	Met

# Challenges

- **Providers**
  - 11 new providers in past 2 yrs
  - ALF (5), ASC (1), HHA (4), NH (1)
- **Staffing**
  - Only 9 surveyors SMQT trained
    - 2 Health Surveyors in training
    - Life Safety Surveyor in training
  - 49% turnover in surveyors in past 2 yrs
    - Loss of 38 yrs of surveyor experience
    - 4 surveyors were trained on 10 provider types
  - Impact
    - Few trained backups
    - Limited options for survey scheduling and response to complaints
    - Only 1 qualified surveyor for 5 provider types
- **Current Vacancies**
  - 1 Health Surveyor
  - LTC Certification Specialist

# Challenges

(Cont'd)

- **Training**
  - Health Surveyors (2) – Basic LTC
  - Life Safety Surveyor (Fire Inspector I and Basic Life Safety Courses)
  - Life Safety & Construction Staff (ICC Codes)
  - Training of surveyors for additional provider types
- **Meet CMS timelines**
- **Sustain timely state licensure work**
- **Surveyor retention (recruitment, avoid burnout)**
- **Volume and timing of complaints and EMTALA investigations**
- **Workload for Rules & Regulations, SOM changes**
- **Educate city building/fire officials for more consistent code application**
- **Achieve consistency in Life Safety Code application during construction plans review/inspection and LSC surveys**

# Way Ahead

- **Fill surveyor position**
- **Fill certification specialist position**
- **Train, train, train**
- **Electronic incident reporting**
- **Recruit/train CLIA surveyor (backup)**

# Comparison of Frequently Cited LTC Health Tags (October 1, 2012 – September 30, 2013)

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(Data Source: S&C PDQ/Run Date: 04/2014)

WYOMING Top 5			REGION 8 Top 5			NATIONAL Top 5		
Tag #	Description	% Surveys Cited (35 surveys)	Tag #	Description	% Surveys Cited (625 surveys)	Tag #	Description	% Surveys Cited (14,976 surveys)
F441	Facility Establishes Infection Control Prog	54.3%	F441	Facility Establishes Infection Control Program	49.0%	F441	Facility Establishes Infection Control Program	37.4%
F371	Provide Necess Care for Highest Prac Well Being	42.9%	F371	Store/Prepare/Distrib Food Under Sanitary Conditions	45.3%	F371	Store/Prepare/Distrib Food Under Sanitary Conditions	35.1%
F309	Provide Necess Care for Highest Prac Well Being	42.99%	F323	Facility is Free of Accident Hazards	44.0%	F323	Facility is Free of Accident Hazards	29.7%
F282	Services by Qualified Persons/Per Care Plan	37.1%	F329	Drug Regimen is Free From Unnecessary Drugs	31.7%	F309	Provide Necess Care for Highest Prac Well Being	24.5%
F281	Services Provided Meet Professional Standards	34.3%	F309	Provide Necess Care for Highest Prac Well Being	31.7%	F329	Drug Regimen is Free From Unnecessary Drugs	23.6%





# Comparison of Frequently Cited LTC Health COMPLAINT Tags (October 1, 2012 – September 30, 2013)

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(Data Source: S&C PDQ/Run Date: 04/2014)

WYOMING Top 5			REGION 8 Top 5			NATIONAL Top 5		
Tag #	Description	% Surveys Cited (50 surveys)	Tag #	Description	% Surveys Cited (531 surveys)	Tag #	Description	% Surveys Cited (48,425 surveys)
F323	Facility is Free of Accident Hazards	14.0%	F323	Facility is Free of Accident Hazards	11.9%	F323	Facility is Free of Accident Hazards	5.7%
F309	Provide Necess Care for Highest Prac Well Being	10.0%	F309	Provide Necess Care for Highest Prac Well Being	9.0%	F309	Provide Necess Care for Highest Prac Well Being	4.3%
F241	Dignity and Respect of Individuality	8.0%	F441	Facility Establishes Infection Control Prog	8.7%	F225	Not Employ Persons Guilty of Abuse	2.8%
F225	Not Employ Persons Guilty of Abuse	8.0%	F281	Services Provided Meet Professional Standards	8.3%	F157	Inform of Accidents/Sig Changes/Transfer/Etc	2.7%
			F241	Dignity and Respect of Individuality	4.7%			

# Comparison of Frequently Cited LTC Life Safety Code Tags (October 1, 2012 – September 30, 2013)

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(Data Source: S&C PDQ/Run Date: 04/2014)

WYOMING Top 5			REGION 8 Top 5			NATIONAL Top 5		
Tag #	Description	% Surveys Cited (35 surveys)	Tag #	Description	% Surveys Cited (625 surveys)	Tag #	Description	% Surveys Cited (14,976 surveys)
K147	Electrical Wiring and Equipment	68.6%	K062	Sprinkler System Maintenance	48.2%	K062	Sprinkler System Maintenance	30.5%
K062	Sprinkler System Maintenance	62.9%	K147	Electrical Wiring and Equipment	42.4%	K147	Electrical Wiring and Equipment	30.1%
K018	Corridor Doors	51.4%	K018	Corridor Doors	39.2%	K029	Hazardous Areas – Separation	26.1%
K029	Hazardous Areas – Separation	45.7%	K029	Hazardous Areas – Separation	39.0%	K018	Corridor Doors	25.6%
K052	Testing of Fire Alarm	45.7%	K052	Testing of Fire Alarm	36.5%	K038	Exit Access	20.8%

# Survey Citation Patterns Based on Last Current Uploaded Standard Health Surveys

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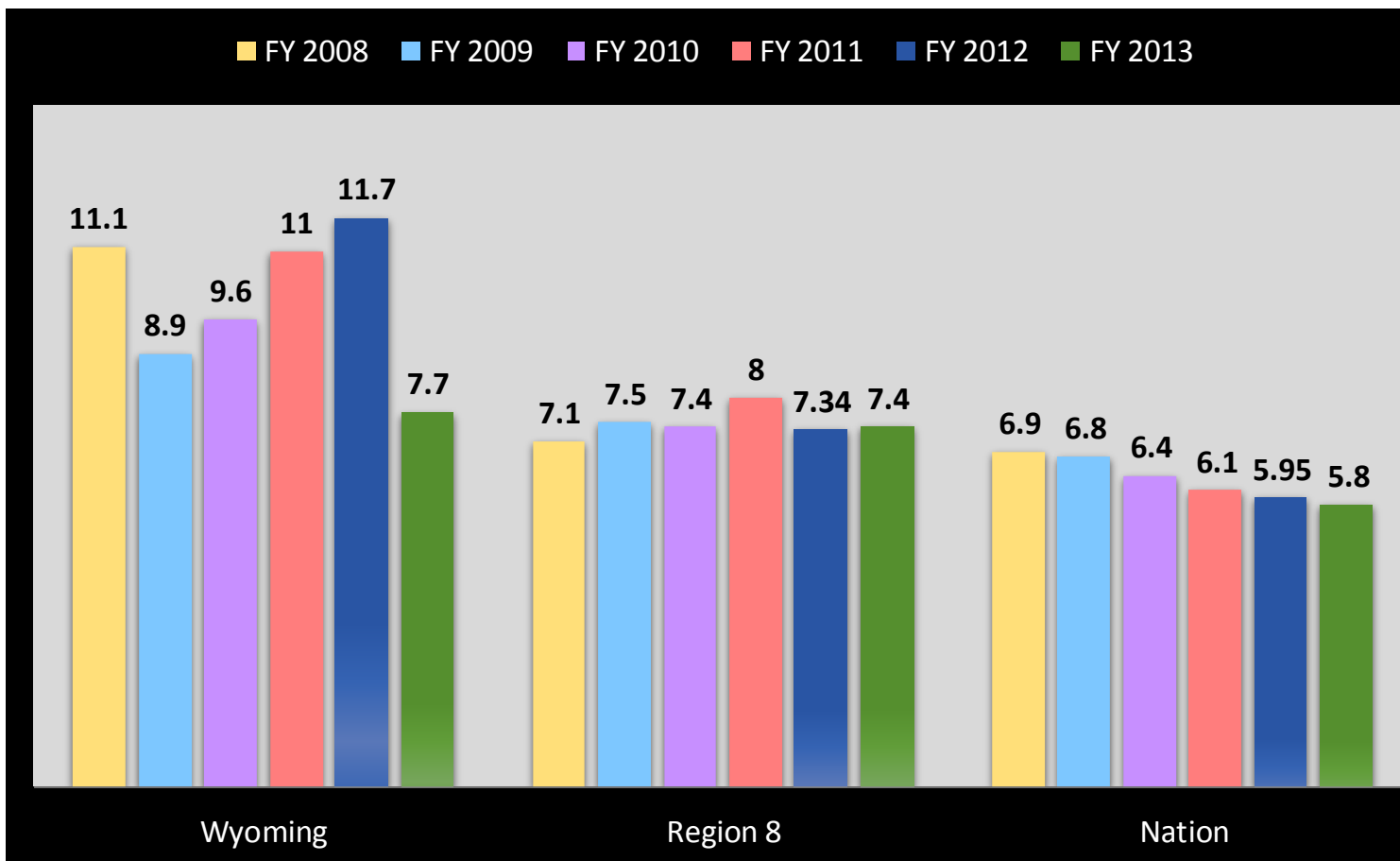
(Data Source: Casper 0311S / Run Date: 04/29/2014)			
	# of Providers	# of Providers Cited for SQC	# of Providers Zero Health Deficiencies
WY	38	4	1
Region	626	24	41
Nation	15,661	450	1,585

# Average Number of Deficiencies

(October 1, 2012 – September 30, 2013)

(Data Source: S&C PDQ / Run Date: 04/29/2014)

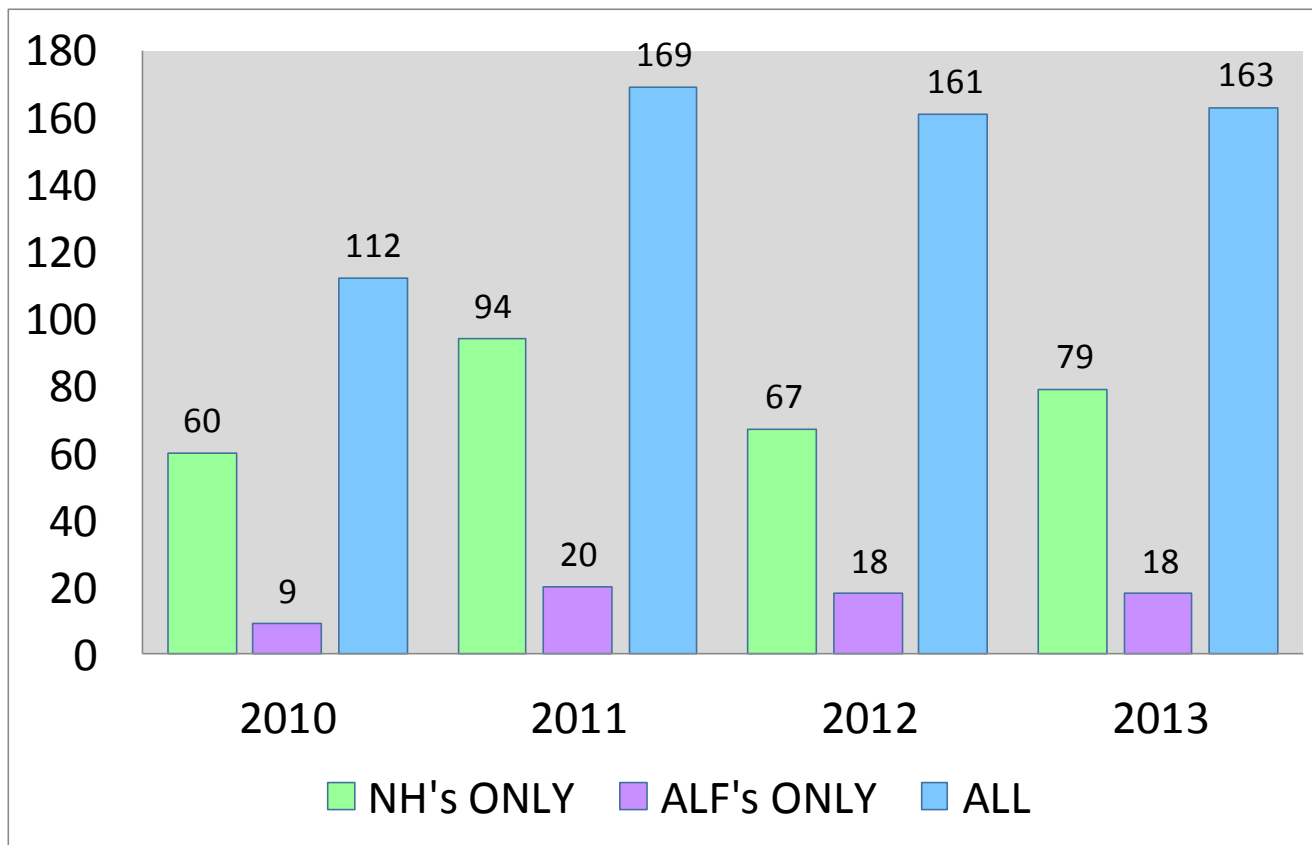
Commit to your health.



# Complaints

(October 1, 2012 – September 30, 2013)

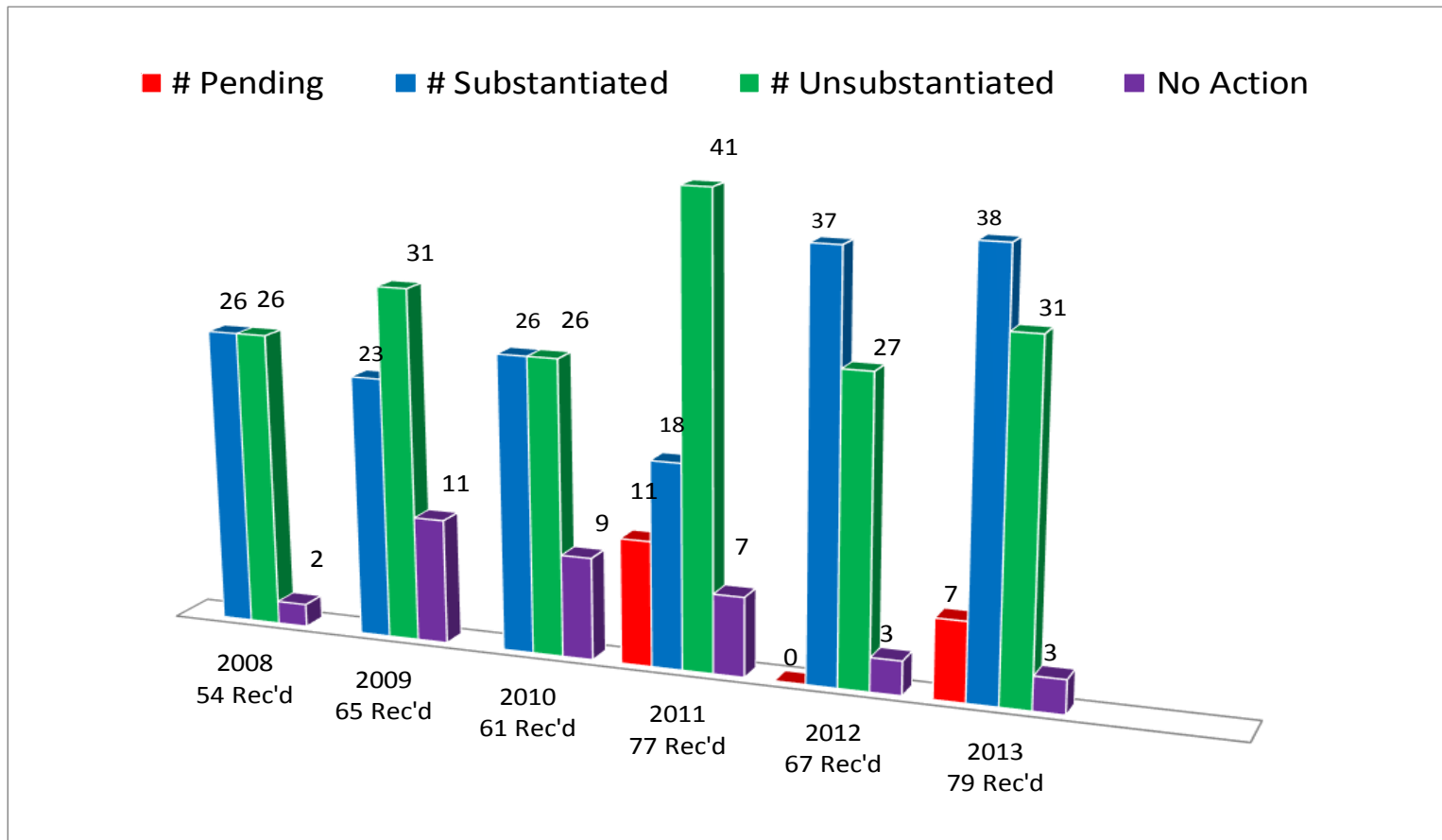
Commit to your health.



# Complaints Nursing Homes

(October 1, 2012 – September 30, 2013)

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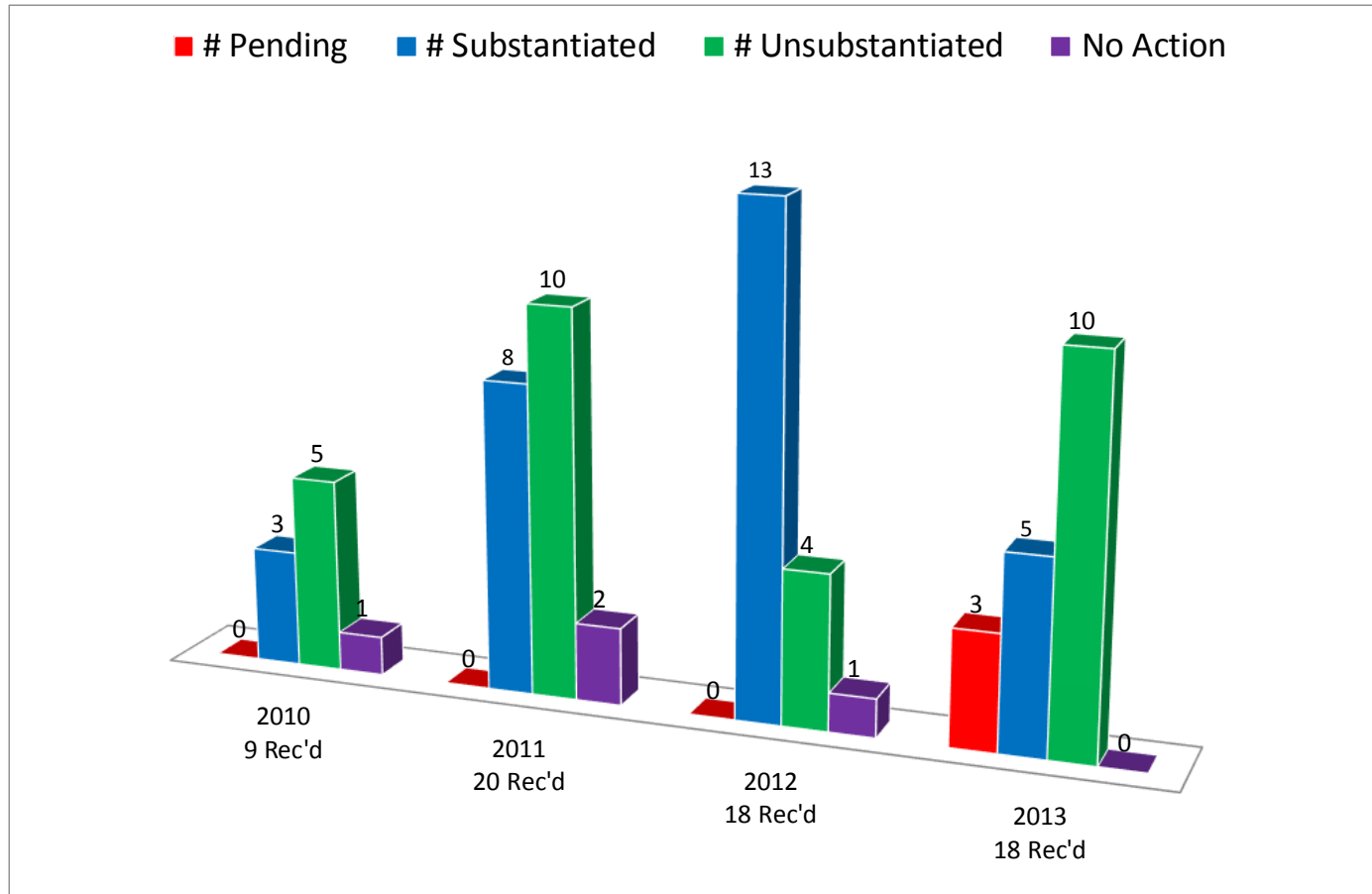


# Complaints

## Assisted Living Facilities

(October 1, 2012 – September 30, 2013)

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# Wyoming Performance Standards

(October 1, 2012 – September 30, 2013)

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<b>NURSING HOMES</b> <b>38 providers</b> <b>(1 SNF, 4 NF, 33 SNF/NF)</b>		
<b>TIER</b>	<b>REQUIREMENT</b>	<b>CURRENT STATUS COMPLETED</b>
Tier 1	<ul style="list-style-type: none"> <li>•15.9 Mo Max Interval</li> <li>•12.9 Mo Avg</li> </ul>	<ul style="list-style-type: none"> <li>•13.5 Mo Max Interval</li> <li>•11.9 Mo Avg</li> <li>•0 &gt; 15.9 Mo</li> </ul>
Tier 2	<ul style="list-style-type: none"> <li>•NH Oversight &amp; Improvement Program</li> </ul>	<ul style="list-style-type: none"> <li>•4:4 staggered surveys done</li> <li>•1 SFF</li> </ul>
Tier 3	NA	NA
Tier 4	NA	NA



## Informal Dispute Resolution (IDR) (October 1, 2012 – September 30, 2013)

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- Informal opportunity to challenge facts and evidence surrounding disputed deficiencies
- Informal administrative process—not formal evidentiary hearing
- May dispute assigned scope and severity of citation if it has resulted in substandard quality of care or immediate jeopardy
- IDR frequency
  - 6 (FFY 2010)
    - 7 tags requested = 2 upheld, 4 modified, 1 reversal
  - 6 (FFY 2011)
    - 8 tags requested = 4 upheld, 2 modified 2 reversal
  - 3 (FFY 2012)
    - 3 tags requested = 1 upheld, 1 modified, 1 reversal
  - 6 (FFY 2013)
    - 11 tags requested = 6 upheld, 2 modified, 3 reversal



Wyoming  
Department  
of Health

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**Questions ?**

