



MED-NET CONCEPTS LETTER ©

Where Compliance and Ethics, Risk Management/Safety, Quality Assurance and Performance Improvement, Reimbursement and Law Come Together.

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Dear Colleague,

Awareness is the first step toward an effective Compliance, Risk Management, Quality Assurance, Performance Improvement, and Law program. The following true reports are intended to broaden your understanding and awareness of potential exposures of liability throughout healthcare settings with the expectation that, as a starting point, forewarned is forearmed.

We believe a first-hand opinion of our sector of healthcare provides invaluable insight into the daily challenges facing our community.

Remember, it is important to immediately report any abuse of residents/patients, no matter the circumstances.

Please contact us for additional information as well as to discuss potential proactive programs to detect, prevent, and mitigate potential exposures and damages.

ALERTS



CMS issued new guidance which directly addresses violations of health and safety regulations

that cause serious harm or death to a patient and require immediate action to prevent further serious harm.

This new guidance can be found in Appendix Q of the State Operations Manual. For more information:

Guidance on Immediate Jeopardy: Revisions to Appendix Q of the State Operations Manual.

Illinois Nursing Home Employee Alleges Unlawful Use of Biometric Information

A nursing home employee filed a class action lawsuit against an Illinois nursing home for allegedly providing biometric data to third parties without consent. The employee filed a complaint, individually and on behalf of all others similarly situated, against the nursing home, alleging failure to comply with Illinois Biometric Information Privacy Act regulations. According to the complaint, during her tenure with the facility, she was subjected to use a biometric timekeeping machine. She alleges the defendant unlawfully extracted biometric data from its employees' hand geometry and subsequently transferred the information to third parties without the employees' consent. The employee seeks trial by jury and an order certifying this case as a class action and appointing her and her counsel as representatives. She also seeks damages of \$5,000 for each willful violation of BIPA, plus interest, court costs, expenses and all other just and equitable relief.

Human Resources Perspective:

Biometric and any other electronic identifying data should be protected the same as other employee personal information and not disclosed to third parties without consent.

Kentucky Nursing Home Evacuated after Rain Causes Flooding

Officials with the Magoffin County Rescue Squad said that its crews made nearly two dozen rescues and helped evacuate 115 patients from a flooded nursing home. At one point, floodwater stood 4-feet high across a local highway. Residents were evacuated as floodwaters threatened the facility. Officials said all of the evacuees were safe and staying at the middle school.

Kansas Nursing Home Evacuates 68 Residents after Carbon Monoxide Leak

Firefighters and police officers helped evacuate a Kansas nursing home with dozens of residents after detecting a carbon monoxide leak in the facility. The Tonganoxie Fire Department said it received a call around 4 a.m. to assist in evacuating the building due to the leak. Staff from the nursing home transferred 68 residents to a nearby church. Staff said no residents suffered serious injuries during the evacuation. The senior vice president of operations said the water heater had been replaced at the facility the previous week. He received a call at night that the CO levels had gone up. The nursing home tried venting the hallways before having to evacuate the building. Everyone involved said the process went smoothly and the leak was fixed much quicker than expected.

Risk Management Perspective:

All facilities should have an evacuation plan in place which includes practice drills for complete resident removal with community partners such as schools, churches, bus companies, etc.

New York Nursing Home Makes Improvements in Challenging Environment

After residents' families demanded a sit-down with administrators of a New York nursing home over quality of care, the company that runs the facility made a series of changes and upgrades, including hiring a new administrator, who established an open-door policy that family members noticed and appreciated. The administrator said he spoke with around 50 family members in hallways and his office in his first two months, compiled a list of priorities, then called a group meeting that was attended by about 80 family members. According to the administrator, the increase in communication has gone a long way to addressing family concerns. "They all know my door is open. Hopefully we can take care of [an issue], but if we can't, I explain 'this is why we can't.'" The family members have appreciated his responsiveness. They said he gets back to them within hours of receiving their calls or emails. One family member said, "I don't know that I've dealt with any business or customer service that's addressed things as quickly."

Human Resources Perspective:

Often complaints or issues raised by residents or family members can be minimized with open and honest communication. We don't have to be perfect, but we must make an effort to understand issues presented and do our best to address them in a timely manner.

Indiana Health Center Phishing Attack Impacts Twelve Thousand Patients

A network of seven healthcare centers in Indiana experienced a phishing attack that resulted in an employee's email account being accessed by an unauthorized individual. The attacker impersonated a healthcare organization that had previously worked with one of the facilities. The supposed sender of the email was known to staff, and the email appeared to be genuine. Suspicious activity was then detected relating to the employee's email account. The account was immediately secured and an investigation was launched to determine the cause of the activity. A computer forensics company determined that the account had been accessed by an unauthorized individual. Notification letters were then sent to the approximately 12,000 patients whose information might have been compromised.

Data Privacy and Security Perspective:

Communication should be provided to all staff members regarding phishing emails. Examples should be provided to demonstrate potentially harmful email addresses, URLs, and types of attacks.

Some Hospital Readmissions Could Stem from Hearing Loss

Hearing loss could be a major factor in hospital readmissions. Elderly individuals who are hospitalized often have difficulty in communicating due to hearing impairment, according to a New York University study published in the Journal of the American Geriatrics Society. Those who had difficulty communicating with health professionals had a 32 percent increased likelihood of readmission within the next 30 days. Residents with auditory impairment who are discharged to a nursing home are at a greater risk for ending up back in the hospital.

QAPI Perspective:

Providers should pay attention to hearing problems within their resident population. Hearing screenings should be conducted at intake and periodically thereafter. Ears should be checked for wax build-up. Communicate face-to-face with residents, eliminate background noise by turning off TVs and radios, and consider using a whiteboard to communicate with residents who have difficulty hearing.

Yours truly,



David S. Barmak, JD, CEO.

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"Med-Net Compliance's Fraud Avoidance Courses Are a Good First Line of Defense"—Jo Ann Halberstadter, Esq.

ADMINISTRATORS TAKE NOTE

Med-Net Compliance, LLC now offers two series of fraud modules with NAB/NCERS CEs on our website. Modules 1-8 offer 3 NAB CEs and modules 9-16 offer 3.75 CEs.

All modules provide education on fraud, waste, and abuse prevention and offer a combined total of 6.75 CEs for successful completion.

To review the NAB accredited courses visit our website:

<https://www.mednetcompliance.com/med-net-academy/nab-accredited-courses/>

All 16 courses on fraud, waste, and abuse were developed by
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