



December 27, 2012

To: LeadingAge Wisconsin Members

From: Scott Ross and Vern Larson, Legislative and LTC Reimbursement Committee Co-Chairs
Jim Williams, LTC Managed Care Committee Chair

Subject: LeadingAge Wisconsin *Public Policy Forum* – **January 16, 2013, DeForest**

Note: All LeadingAge Wisconsin Members and Subscribers are Encouraged to Attend this Public Policy Forum

All LeadingAge Wisconsin members and subscribers are invited to attend the LeadingAge Wisconsin *Public Policy Forum* hosted by the Legislative & Reimbursement and the LTC Managed Care Committees.

The forum is scheduled for Wednesday, January 16, 2012, from 10:00 a.m. to 2:00 p.m., at the Comfort Inn and Suites, 5025 County Highway V, in DeForest. A working lunch will be served. *Directions: From Interstate 90-94, take Exit 126, the Dane-DeForest exit, which is Highway V. The Comfort Inn & Suites is on the left hand side of County Highway V, ¼ mile west of I-90/94. In the event inclement weather causes us to cancel our January meeting, we will send notification to all of those who RSVP and include their email address:*

www.surveymonkey.com/s/PublicPolicyForum

As noted by the agenda provided below, the *Public Policy Forum* will feature discussions on the LeadingAge Wisconsin legislative agenda for 2013-2015 and discuss strategies for the upcoming State budget. We also will receive updates and discussions on a number of state and federal issues of interest to the membership, including the latest State initiative to develop and implement a nursing home quality improvement and measurement system, an update on Family Care 2013 rates and contract negotiations, the status of Virtual PACE pilot program, an update on the nursing home modernization initiative and the impact to nursing facilities if the Federal "fiscal cliff" goes into effect. Please plan on attending and openly participating in the Association's public policy discussions.

Please be sure to review the information contained in the meeting agenda. Additional materials and handouts will be distributed at the meeting. Again, to enable us to make the appropriate meeting arrangements, **please RSVP by January 11th using the following link:**
www.surveymonkey.com/s/PublicPolicyForum

We look forward to seeing you at the January 16th *Public Policy Forum*.

Thank You.

Expanding the world of possibilities for aging.

204 South Hamilton Street | Madison WI 53703
P 608.255.7060 | F 608.255.7064 | www.LeadingAgeWI.org

Agenda
LeadingAge Wisconsin
Public Policy Forum
10:00 a.m. – 2:00 p.m.
Wednesday, January 16, 2013
Comfort Inn & Suites, DeForest

I. Introductions/Review Agenda/Meeting Goals

II. LeadingAge Wisconsin's 2013-2015 Legislative Agenda:

- Seek return of the bed tax skim and use revenues to fund the goal of lowering the Wisconsin nursing home per resident daily loss to the national average (from \$41.13 to \$19.55). *LeadingAge Wisconsin is updating the MA loss data by Senate District.*
- Support legislation authorizing a nursing home drug formulary.
- Preserve the property tax exemption for non-profit retirement homes for the aged.
- Accept legislation (if necessary) to allow nursing home arbitration agreements only if the agreements are voluntary, not part of the admissions agreement (separate with different font and colored paper), and may be rescinded within 30 days. {Major issue is support for maintaining the 2011 Wisconsin Act 2 health and long-term care tort reform protections.}
- Support maintaining the current nursing home bed cap and moratorium, ***including the process regarding the relocation of beds by owning corporations (the relocation issue may be reconsidered if legislation moves forward)***. Modify current provisions to allow facilities to place beds in "restricted use status" for an indefinite period. Restricted use beds could be activated with a 12-month notice to DHS (i.e., beds banked or in restricted use would be retained for possible later use by the owner. No bed tax would be levied on these beds).
- Allow the use of remote monitoring technology by Adult Family Homes (rule change: www.leadingagewi.org/sites/default/files/remotetech.pdf).
- Updates received from the Governor's Budget Staff and DHS officials.
- ***In addition to those discussed above, should LeadingAge Wisconsin establish additional state legislative priorities for the 2013-2015 legislative session? Further, how will the LeadingAge Wisconsin non-nursing home providers receive future rate increases under the Family Care and Partnership programs? What options should be considered? (see Agenda items V & VI below).***
www.leadingagewi.org/sites/default/files/pppositions.pdf

III. DHS Proposed Nursing Home Quality Performance Measurement System

- DHS is pursuing a nursing home quality performance measurement system. The staff at the Center for Health Systems Research and Analysis (CHSRA) is providing the technical staffing and support for this project. (see: www.leadingagewi.org/sites/default/files/chsrareport.pdf).
- DHS intends to, "...produce a nursing home quality performance measurement system that has been tested for credibility and is ready for statewide implementation. The ultimate outcome of this initiative is to improve clinical outcomes for residents, which will also improve their quality of life."
- LeadingAge Wisconsin assumes the final performance metrics developed by DHS also will be reflected in future pay-for-performance systems employed by the Department.
- The DHS nursing home quality performance measurement system is expected to be finalized by October 2013. CHSRA will:

- Research nursing home performance data sources and measures, including experiences/concerns of those currently using these data sources and measures.
- Solicit Wisconsin nursing home stakeholder input in the process of defining, testing, implementing and managing a nursing home performance measurement system.
- Design prototype of such a system and test it for statistical validity, reliability and credibility.
- Present a successfully tested, data-driven nursing home clinical performance measurement system ready for statewide implementation. A final report summarizing the system will be delivered no later than October 30, 2013.

IV. LeadingAge Wisconsin Response to DHS on Virtual PACE Pilot Demonstration -- Issues For Discussion:

- Payments Above Medicaid Rate
- Medicare Rates Following Hospitalization and Waiver of Three-Day Stay Requirements
- Maintain Higher Rates to Reward Facilities for Lowering Resident Acuity
- Incentive Payments - Up to One Third of Net Savings
- Guaranteed Immediate Access to Nurse Practitioner (Change of Condition Issues)
- Protection from Recouping Savings in Subsequent Years
- Timely Payments from ICOs
- Resident Education Responsibility (other than SNF)
- Regulatory Concessions for Provider Participation:
 - Deemed Status/Reduce Number of Federal Surveys
 - Revise Current Citing Practices to Eliminate "Potential for Harm"
 - Revise Self-Report Requirements
 - Revise MDS Requirements—no MDS except for at Admission and with Change of Condition
 - Provide Hospice Payments to SNFs
 - Minimum Prior Authorization Requirements
 - Duplication of Efforts (no redundancy; recognition of SNF/AL regulatory requirements)
 - Convert Nursing Facility Beds to Assisted Living Beds for PACE Enrollees
- Other Ideas/Concepts
- Next Steps Necessary to Motivate Members to Sign a Virtual PACE Contract

V. Family Care

- 2013 MCO-DHS Contract Issues
 (www.dhs.wisconsin.gov/lc/lc/StateFedReqs/cy2013mcocontract.pdf and
www.leadingagewi.org/sites/default/files/lawfctestimony.pdf)
- Contract Prohibition on Mid-Year Rate Changes (unless acuity driven)
- Open discussion on 2013 MCO and Provider Contracting Issues/Collaborative Discussions with SWFCA to Improve Provider Contracts/Legal Update
- 2013 MCO Credible Appeals System – Rates Appealable by Providers to DHS or 3rd Party
- Capitation Rates - Adjustments for Provider Rate Increases?
- Push to Limit Assisted Living Utilization
- Update from the DHS LTC Council
- Other Ideas/Concepts

VI. Regulatory Reform/Reimbursement Issues

- Allow higher payment for additional staff hours needed to control resident behaviors (Note LeadingAge Wisconsin strongly advocated for the preservation of a behavioral add-on within the payment formula. DHS has agreed to form a review group to review payment methodologies)
- SNF Ventilator Rates: DHS has agreed to form a second study group to review availability and payments related to serving persons in need of ventilator care and services.
- What other statutory or regulatory changes should be pursued?
- Other Ideas/Concepts

VII. Medicaid Nursing Home Modernization Update

- Final application and discussion points

VIII. Update on Legislative Council Special Committee on Legal Interventions for Persons With Alzheimer's Disease and Related Dementias

- Final Draft Legislation: [WLC: 0061/1](#), relating to psychiatric and behavioral care and treatment for individuals with dementia.
- DHS recommendations:
http://legis.wisconsin.gov/lc/committees/study/2012/ALZ/files/dec17dhs_attach.pdf
- LeadingAge Wisconsin position

IX. Federal Issues

- 2013 Federal Budget Proposals: January 2013 Medicare Cuts / "Fiscal Cliff"
- Therapy Cap Exceptions
- Nursing Home Compare Update
- Other

X. Other Issues/Next Meeting/Adjournment