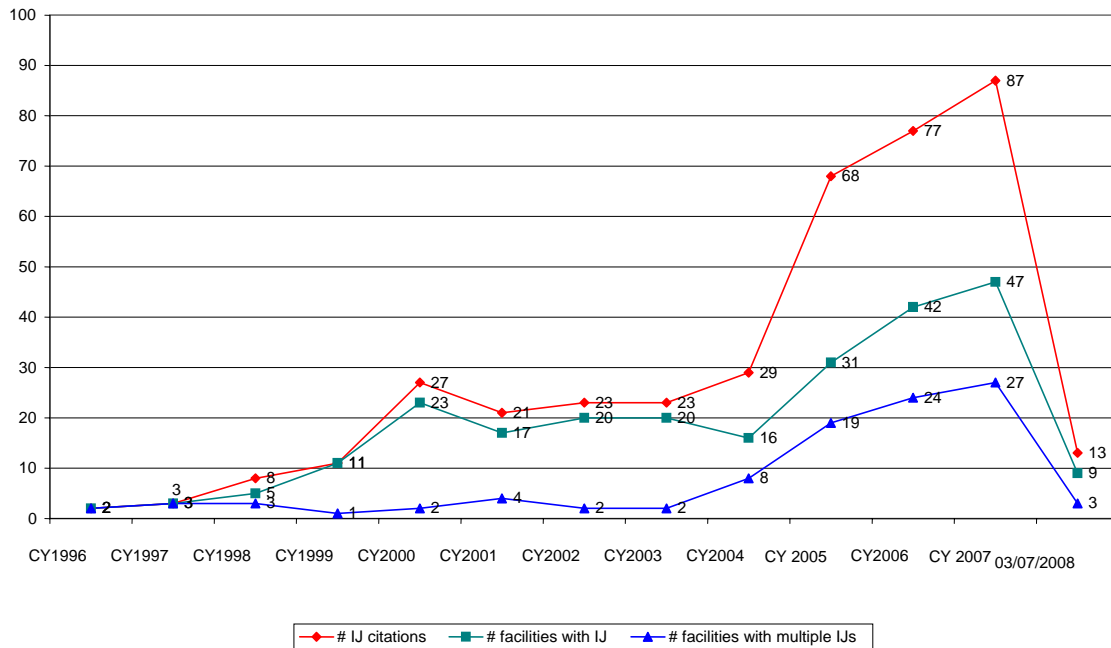


## A Profile of Quality: Wisconsin Nursing Facilities

In the past few years, allegations of serious survey violations have escalated while virtually every clinical assessment of resident outcomes and credible quality care measures currently being provided in Wisconsin's nursing homes have steadily risen as well. The increase in serious violations issued to Wisconsin nursing facilities should not be viewed as an indication that the nursing home quality of care is decreasing.

The effectiveness of today's survey and enforcement system is measured by tallied fines and violations. However, the increase in these citations has come during a period in which Wisconsin providers have individually and collectively outpaced the rest of the country in recognized measures of quality and quality improvement. We maintain that the current survey system is not an accurate or effective means by which to assess the quality of care Wisconsin nursing home residents expect, deserve, and receive.

### **Immediate Jeopardy Citations 1996 - 2/27/2008** (Post IDR or hearing)



There is yet to be an evidenced-based explanation for the dramatic increase described above, as these come at a time when recognized measures of quality improvement demonstrate continued positive trends. Some, but not all, of the increase evidenced in the above chart can be attributed to CMS policy revisions and citation “instructions” to State Survey Agencies that began in 2004.

Those CMS directives included the following:

- A March 10, 2005 S&C Memo (CMS S&C-05-20) was issued by CMS to State Survey Agencies expressing an expectation that surveyors are to issue “independent but associated” citations. While this does not fully explain the increase in the number of

facilities cited at IJ, it may explain a portion of the increase in the number of IJ/AH citations.

- The increase in AH/IJ citations also coincide with the [flurry of revisions to the Guidance to Surveyors](#): Since November 2004, CMS has revised 20 of the Guidance to Surveyors, the interpretive guidelines that surveyors are to apply in determining compliance. These revisions triggered greater scrutiny and increased cites in the areas the “clarifications” addressed. Notably, many of the F-tags affected by the revised Guidances appear in the IJ citations that have been since 2005.

### **Measuring Quality of Care in Wisconsin Nursing Homes**

The following measures afford a more accurate assessment and portrayal of the quality of care in Wisconsin nursing homes:

- **CMS Quality Measures as Reported on Nursing Home Compare**  
A review of the data published by CMS on its Nursing Home Compare website validates that Wisconsin nursing homes out-perform the national averages in nearly all of the 19 reported categories CMS has established as for consumers to consider as credible clinical indicators of quality. In 15 of the 19, Wisconsin nursing homes either out-perform or are at the national average. (See [www.medicare.gov/nhcompare/](http://www.medicare.gov/nhcompare/) for a complete list).
- **Wisconsin Ranked in Top 10 - CMS Nursing Home Quality Measures:**  
In a state-by-state assessment and comparison of health care quality performance evaluation in 2007, the U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality (AHRQ), ranked Wisconsin in the top 25% nationally of nursing home care. Based on evaluation of CMS [Nursing Home Quality Measures](#), Wisconsin’s Nursing Homes were given a “[Strong](#)” rating (60.53) and ranked well above the 75<sup>th</sup> percentile of all states (57.89). In 19 NHQR measures of quality, Wisconsin homes were ranked better than the all-state average on nine.
- **Wisconsin is in Top 10 for Fewest Number of Survey Deficiencies:**  
According to CMS, Wisconsin nursing facilities ranked 10<sup>th</sup> in the nation in 2007 for having the fewest federal health-related citations issued per full survey. The state-wide average was 5.5 - the National Average was 7.6. Wisconsin nursing homes are ranked highest in the Midwest (IL,IN, MI, MN, OH) in terms of number of deficiency free surveys: 14.68%, compared with the national average of 8.3%.
- **90% of Resident Satisfaction Surveys Rank Wisconsin Quality as Excellent or Good**  
MyInnerView, an independent, nationally-recognized leader in measuring resident and family satisfaction in long term care providers, is one of just a few companies that CMS recognizes as having a product that meets the criteria for use in its National Quality Improvement Initiative (NHQI). In the [2007 Executive Summary of Wisconsin Satisfaction Surveys](#), MyInnerView reports that:
  - **Resident Satisfaction:** In 2007, 90% of Wisconsin residents rated their overall satisfaction of the care in they received in their facility as “Excellent” or “Good,” and 89% also rated their willingness to recommend their facility to others. Wisconsin’s 2007 ratings represented a 4% increase in overall resident satisfaction, and 3% improvement for

their willingness to recommend their facility, over the surveys conducted in 2006.

- **Family Satisfaction:** MyInnerView reports that 87% of resident families rated their overall satisfaction of the care in Wisconsin Nursing Homes as “Excellent” or “Good,” and 86% indicated they would recommend the facility in which their family member resided to others.
  
- **Frequency of IJ Citations Currently Being Investigated by Federal Officials :**  
The performance and national reputation as a quality leader of Wisconsin nursing homes is directly at odds with the number of IJ citations that are being issued to facilities – a glaring disparity that defies understanding. State surveyors issued Immediate Jeopardy citations to 8.1% of Wisconsin nursing facilities in 2007 – the second-highest rate in nation and almost 3.5 times the national average. Last summer, WHCA brought this alarming incongruity to the attention of CMS and DHFS officials. In response, CMS has undertaken an investigation to determine if Wisconsin, and several other states within CMS Region V, are appropriately interpreting and applying federal citing guidelines.

### **Medicaid Limitations Impact Quality & Performance**

There is not a nursing home, consumer, resident family member, or public official in this state who does not advocate for continued improvement in the quality of care for nursing home residents, or for the need for increased staffing, wages, and benefits for the dedicated caregivers who serve those residents. However, it is difficult to reconcile the passion for quality care with the government’s continuing failure to provide necessary resources to meeting those goals.

#### **Consider the following:**

- Two-thirds of the 35,583 residents who receive care in Wisconsin’s 402 nursing facilities are Medicaid recipients.
  
- Labor costs embrace 73% of the total cost of nursing home resident care.
  
- In 2006-2007, the appalling disparity between the cost of care nursing homes provided to their Medicaid residents and the Wisconsin Medicaid Program’s payment for that care was a staggering \$265,696,481. Facilities’ Medicaid losses increased by 15% over 2005-2006.
  
- Nursing services Medicaid residents required and were provided by nursing homes accounted for \$155,643,981 of nursing homes’ unreimbursed care costs.
  
- Wisconsin nursing homes currently provide each resident an average of 3.57 hours of skilled nursing per day. The maximum level of payments for nursing services allowed under Medicaid will support only 2.83 hours of nursing per day.
  
- An [independent study](#) found that Wisconsin’s Medicaid Nursing Home payment system is rated third-worst in the United States. (Only the payment systems of Illinois and New Jersey rank below Wisconsin).

Wisconsin’s nursing home community has demonstrated success by a variety of standards: CMS quality measures, consumer/family satisfaction survey results, and overall survey performance.

That Wisconsin's providers have been able to perform at such levels in the face of alarming fiscal limitations should be recognized, as should what might happen if Medicaid and Medicare – the sources of payment for 80% of all nursing home residents – began assuming responsibility for paying their fair share of resident care costs.

In addition, the last three years has seen Medicaid budget funding increases total just over 3% -- an increase that hardly keeps up with skyrocketing costs of utilities, gas, and food.

The reimbursement shortcomings impact nearly every Wisconsin nursing home. If left unaddressed, these inadequacies may cause Wisconsin's provider communities quality track record to erode.

**Medicaid Losses Sustained by Wisconsin Nursing Homes Receiving IJs or Actual Harm Citations 2005-2007:**

<u>Year</u>	<u>Facilities</u>	<u>Total Medicaid Losses</u>	<u>Direct Care Losses</u>
2005	103	\$ 70,651,754	\$47,012,554
2006	124	\$111,634,725	\$74,490,562
2007	138	\$103,861,783	\$61,500,855

**Increased Forfeitures and Fines Will Not Lead to Improved Quality**

Calls to increase the level of fines and forfeitures make for great sound bites and purport a simple "solution" to a complex situation. In reality, increases in punitive financial penalties, will only serve to make it more difficult for individual facilities to make improvement efforts, as these penalties are taken directly out of facilities' operating budgets. To suggest that increasing levels of financial punishment will in any way advance the cause of quality improvement is absurd at best. Assuming the validity of an alleged deficient practice, extracting scarce financial resources will only hamper lasting corrective and improvement efforts.