

J. Kenneth Brubaker, MD, CMD

Chief Medical Director of
PA Department of Aging and
Long Term Living
E-mail: jbrubake@state.pa.us

History of PSAEs

- ☞ National Quality Form addressed a list of events that occur in the hospital settings (recently included nursing homes) that are considered preventable
- ☞ Identifying PSAEs addresses two issues
 1. Who pays for PSAEs?
 2. How can the payor encourage nursing homes to improve the quality of care?

2011 NQF New PSAEs in Nursing Homes

- ☞ Unsafe discharge of residents without little or no decision-making ability
- ☞ Death or serious injury of a resident due to loss of a biological specimen
- ☞ Death or serious injury of a resident due to failure to communicate abnormal test results

CMS PSAE Guidelines

- ☞ The PSAE must be based upon a review of medical literature that supports evidence based guidelines
- ☞ Has a negative consequence for the beneficiary
- ☞ Is auditable

Objectives

- ☞ Review ACT 1
- ☞ Review responsibilities of the providers and payor
- ☞ Review the proposed list of PSAEs

Act 1

- ☞ Establishing a system for payment or reduction in payment for preventable serious adverse events within this Commonwealth; developing bulletins; and providing for the powers and duties of the Department of Public Welfare, the Department of Health and the Department of State.

Preventable Serious Adverse Event (PSAE)



A PSAE is an event that occurs in a health care facility:

- ☞ that is within the health care provider's control to avoid, but
- ☞ that occurs because of an error or other system failure, and
- ☞ Results in a patient's death, loss of body part, disfigurement, disability or loss of bodily function lasting more than seven days or still present at the time of discharge from a health care facility.

Nursing Facility PSAE



General rule: A health care provider may not knowingly seek payment from a health payor or patient:

- ☞ (1) for a preventable serious adverse event; or
- ☞ (2) for any services required to correct or treat the problem created by a preventable serious adverse event when that event occurred under their control.

Provider Responsibility



- ☞ A provider who discovers that payment has unknowingly been sought for a PSAE or for services required to correct a problem created by a PSAE, shall immediately notify the payor and the patient and shall refund payment within 30 days.

Payor Responsibility



- ☞ A payor who discovers that payment has been sought shall notify the provider that payment may not be sought.

Nursing Facility Claims Relating to the Event



- ☞ In those instances where a PSAE occurs on a single day, the nursing facility may not submit a claim of payment of the "resident care" portion of the MA per diem rate. For certain PSAEs, such as a PSAE-identified Stage 3 or Stage 4 decubitus ulcer, the PSAE may occur over multiple days.

Claims Relating to Services to Correct or Treat a PSAE



- ☞ A nursing facility may fulfill its obligation under Act 1 to not seek payment for services required as a result of a PSAE by comparing certain resident Case Mix index (CMI) scores and by reducing the resident care portion of the MA per diem rate and the patient pay amount by any percent increase in those scores.

Duration of the Payment Restrictions

- ☞ If a payment restriction is imposed, then the payment restriction should continue until the resident's CMI score upon reassessment under normal procedures is equal to or less than the pre-PSAE CMI score or until the Department determines that resident's higher post-PSAE CMI score is attributable to a reason other than the PSAE.

Duration of the Payment Restrictions (cont)

- ☞ If there is a change in a resident's medical condition unrelated to the PSAE which results in a higher CMI, as determined by the nursing facility's Medical Director or the attending physician, the nursing facility may request that the Department conduct a clinical review and redetermination.

Redetermination Process

- ☞ The facility may ask the Department to conduct a clinical review and redetermination once every 90 days.

The List of Nursing Facility PSAEs

"The events shall be included on the list of reportable serious adverse events adopted by the national quality forum or in a bulletin as provided under this Act."

The Nursing Facilities PSAE Bulletin

"The Department of Public Welfare shall issue a preventable serious adverse events bulletin for nursing facilities. For a nursing facility, preventable serious adverse events shall be those listed in a bulletin developed by the department."

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Exclusion of a PSEA



- ☞ Surgical events
 - Wrong person
 - Wrong procedure
 - Wrong site
 - Retention of a foreign body

Product or Device Events



- ☞ An event associated with the use of contaminated drugs, device or biologics provided by the nursing facility.
- ☞ An event associated with the use or function of a device in resident care in which the device is used or functions other than as intended
- ☞ An intravascular air embolism that occurs while being care for in a nursing facility

Resident Protection Events



- ☞ Resident suicide or attempted suicide
- ☞ Resident elopement (disappearance for more than four hours)

Care Management Events



- ☞ A medication error (such as errors involving the wrong drug, wrong dose, wrong residents, wrong time, wrong rate, wrong preparation, or wrong route of administration)
- ☞ A previously known severe allergic reaction
- ☞ A hemolytic reaction to the administration of ABO/HLA-incompatible blood or blood products

Care Management Events (cont)



- ☞ Stage 3 or 4 pressure ulcers acquired after admission to the nursing facility
- ☞ Catheter-associated urinary tract infection
- ☞ An event related to spinal manipulative therapy
- ☞ Vascular catheter-association infection
- ☞ An event related to hyper/hypoglycemia (Diabetic ketoacidosis, non-ketotic hyperosmolar coma, diabetic coma, hypoglycemic coma) the onset of which occurs while the resident is being cared for in a nursing facility

Environmental Events



- ☞ A burn incurred from any source while being cared for in a nursing facility
- ☞ An event related to a fall (fractures/dislocations/intracranial injuries/crush injuries/burns) while being cared for in a nursing facility
- ☞ An electric shock while being cared for in a nursing facility

Environmental Events (cont)

- ☞ Any incident in which a line designated for oxygen or other gas to be delivered to a resident contains the wrong gas or is contaminated by toxic substances
- ☞ An event associated with the use of restraints or bed rails while being cared for in a nursing facility

Criminal Event & Unlawful Activities

- ☞ Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider
- ☞ Abduction of a resident
- ☞ Sexual assault on a resident
- ☞ A physical assault (that is battery)

Nursing Facility PSAE Bulletin

- ☞ Proposed Bulletin/Notice published in PA Bulletin October 16
 - ☞ Comment period ended November 15
- 300+ comments received !!!
- ☞ Final bulletin/Notice?