

PMDA
Public Policy Update – Part 1

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Thomas Lawrence, MD
David A. Nace, MD, MPH
Co-Chairs, Public Policy Committee

Public Policy: New Problems?

Intersection of Competing Interests

- Government: Law Makers, Policy Makers
- Regulators: CMS, DOH, DPW, JCAHO
- Insurers: Medicare, Medicaid, HMOs
- Providers: Facility and Staff, Pharmacy
- Physicians / Medical Staff
- Medical Director

Public Policy Committee

David Nace, MD	Kenneth Brubaker, MD
Thomas Lawrence, MD	Maryann Galietta, MD
Bernard Bernacki, MD	Daniel Haimowitz, MD
Judith Black, MD	David Fuchs, MD
James Hammett, MD	Louis Piccoli, MD
Steven Handler, MD	Barbara Reall, CRNP

**Act 1 of 2009: Preventable
Serious Adverse Events**

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

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

National Quality Forum

**Serious Reportable Events
in Health Care
2006 Update**

1. Serious,
2. Largely preventable,
3. Concern to providers, consumers, and all stakeholders.

NQF: Serious Reportable Events

1. Surgical events,
2. Product or device events,
3. Patient protection event,
4. Care management events,
5. Environmental events,
6. Criminal events.

NQF: Serious Reportable Events

4. Care management events:

F. Stage 3 or 4 pressure ulcers acquired after admission to a healthcare facility.

5. Environmental events:

D. Patient death or serious disability associated with a fall while being cared for in a healthcare facility.

PMDA Public Policy Talking Points

Application of the definitions of PSAEs is a seriously flawed process.

PMDA Public Policy Talking Points

Regarding 4F Pressure Ulcers:

- Pressure ulcers are an extremely common complication of nursing facility residents,
- Due to advanced age, functional impairment, and extreme clinical complexity of NF residents not all pressure ulcers are preventable.

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PMDA Public Policy Talking Points

Regarding 4F Pressure Ulcers:

- Unavoidable pressure ulcers may be due to the following factors:
 - Lack of clinical response to appropriately selected and correctly implemented preventive measures and treatments,
 - Clinical conditions that result in avoidable pressure ulcers are numerous.

PMDA Public Policy Talking Points

Regarding 5D Falls:

- Falls are an extremely common occurrence among NF residents,
- Due to advanced age, functional impairment, and extreme clinical complexity of NF residents not all falls are preventable.

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PMDA Public Policy Talking Points

Regarding 5D Falls:

- Falls may still occur among NF residents despite appropriately selected and correctly implemented fall prevention measures,
- It is extremely difficult to determine whether a fall results in subsequent death or serious disability or whether risk for falling and subsequent falls is a marker of end stage care.

PMDA Public Policy Talking Points

PMDA believes that Attending Physicians serving in the NF setting are not in a position to assure prevention of these common complications of long-term care.

Evidenced based medical care has established that risk factors can be managed, but prevention of these complications is one of the greatest challenges in geriatric care.

**Please send us your public
policy concerns.**

tomlawrence@comcast.net

naceda@upmc.edu