

Greg Wilson, NHA  
Administrator, Oceana County Medical Care Facility  
Hart, Michigan

Testimony Before the  
HOUSE COMMITTEE ON FAMILIES, CHILDREN, AND SENIORS  
Tuesday, May 29, 2012

Good afternoon Committee Chair Representative Kurtz and Committee Members. My name is Greg Wilson. Thank you for the opportunity to provide input regarding SB 884. I have been a licensed nursing home administrator in Michigan for 33 years. My 130 bed Facility is a member of both the Michigan County Medical Care Facilities' Council and Aging Services of Michigan. In addition to these two associations, I have also chosen to work closely with the Alliance for Health and its' Skilled Nursing Facilities' Alliance Committee to lend input to this Bill. I have had the honor and privilege to work with my State Senator, Geoff Hansen, in this regard. I wish to again thank and commend him and his staff for their untiring efforts in drafting this bill. They worked closely with the Department of Licensing and Regulatory Affairs; all three long term care associations to present this draft bill for your consideration.

In short I strongly support SB 884. This Bill serves as a great step in the right direction in improving both internal and external communications between the legislature, the regulator and the skilled nursing facility provider. Key to this initiative is to understand the ever increasing reliance on skilled Nursing Services in our health care continuum. Both providers and regulators have the same goals in common. These goals are quality of care, access to services and cost containment. No one testifying before you today will try to mislead you into thinking that there are not skilled nursing facilities in Michigan requiring increased regulatory oversight. The role of the regulator is key in ensuring the safety and well-being of our seniors. It is understood and accepted that the Bureau of Health Systems must enforce Federal standards. This legislation was not drafted in an attempt to demean Director Pemble or his staff, but rather to improve communications and working relationships within the bureau and with the skilled nursing provider. In the past, the "Green Bill" attempted to resolve many of the same barriers to effective enforcement that remain today. Like the "Green Bill", Senator Hansen's Bill requires a vigilant annual oversight by the legislature if we are to continue to move forward with this effort.

Attached you will find examples from recent events at Oceana County Medical Care Facility that further demonstrate and reinforce the need for Senate Bill 884.

**Beginning of Survey Cycle, 2010, for Oceana County Medical Care Facility.**

**FRI - Facility Reported Incident**

**BHS - Bureau of Health Systems**

**DCH - Department of Community Health**

**POC - Plan of Correction**

**CMS - 2567 - Form from BHS/DCH that contains a detail of the citation**

**CMS - Centers for Medicare and Medicaid Services**

**IDR - Informal Dispute Resolution**

**6/30/10 - Date FRI reported to BHS (Complaint #MI 38666)**

**7/12/10 - Date surveyor arrived**

**7/15/10 - Date surveyor exited (Date Survey cycle began)**

**7/22/10 - Date received CMS-2567**

**Citation received: one at level D**

**7/28/10 - Date we mailed CMS-2567 with POC (POC date: 8/6/10)**

**9/27/10 - Date of letter from BHS accepted CMS-2567 POC**

**Date BHS accepted the evidence of compliance: 8/25/10**

**Notification from DCH letter received 7/22/10 stating that if not in substantial compliance by 10/15/10, CMS and State Medicaid must deny payment for new admissions.**

**Annual State Survey:**

**8/17/10 - Date surveyors arrive**

**8/20/10 - Date surveyors exited**

**Citations received: 5 citations (4 at level D and one at level F)**

**8/27/10 - Date we received CMS-2567**

**9/3/10 - Date we mailed CMS-2567 with POC (POC date: 9/24/10)**

**9/16/10 - Date DCH accepted CMS-2567 POC**

**10/15/10 - Date DCH performed follow up survey (cleared citations)**

**Note - because this was considered our first follow up during the survey cycle that correction date would have been back to our POC date of 9/24/10.**

**9/10/10 - FRI reported to BHS (Compliant # MI 40338)**

**9/13/10 - Date surveyor arrived**

**9/22/10 - Date surveyor exited (we requested a combined follow up survey on 9/24/10)**

**Citations received: 2 citations (one at level D one at level J)**

**Note - Since we were not in substantial compliance by 10/15/2010 we were subject to the denial for payment for new admissions. We choose to continue to admit new residents.**

**10/19/10 - Date we received CMS-2567**

**10/26/10 - Date we mailed CMS-2567 with POC (POC date of 9/23/10)**

**In addition we mailed the IDR with the CMS-2567 disputing the citations.**

**11/4/10 - Date BHS accepted CMS-2567 POC:**

**11/10/10 - Date BHS performed follow up survey (We were cleared of all citations)**

## Survey cycle issues for 2010

Page 2

11/24/10 - Date BHS gave verbal notification of results of IDR that deleted the citations from Complaint # MI 40338.

12/2/10 - Date we received letter from DCH with recommendation to CMS to delete the two citations (letter dated 11/29/10)

12/8/10 - Date we received letter (via e-mail) from DCH recommending to CMS to delete the denial of payment for new admissions that would have taken effect on 10/15/10 and gone through 11/10/10.

Notification from DCH letter dated 10/19/10 stating that the DCH is recommending the following Federal Civil Money Penalties to CMS:

- \$4,300.00 per day for two (2) days on immediate jeopardy beginning September 15, 2010 and continuing through September 16, 2010 for a total of \$8,600.00.
- \$200.00 per day, effective September 17, 2010, until it is determined by this Department that your facility is in substantial compliance with state and federal long term care requirements or your Medicare/Medicaid participation is terminated.

In addition to these fines we will not be able to be paid for new Medicare and Medicaid admissions beginning October 15, 2010. Also we would not be able to do training for nursing assistants to become certified for two years.

The Civil Money Penalty never took place as the citations were deleted.

To date we have not received any written notification from CMS whether they concur with DCH recommendations.