



## Not for Profit News<sup>1</sup>

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### Swine Flu – Alert

#### Swine Flu Update

On Sunday, April 26, 2009, Acting Health and Human Services (HHS) Secretary Charles Johnson declared a nationwide public health emergency due to confirmed cases of Swine Influenza A (H1N1).

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Swine flu is a respiratory disease of pigs caused by type A influenza that typically does not normally infect humans. However, this particular strain is a novel virus that has not been seen before in North America and is a human-to-human virus. It is important to recognize that swine influenza viruses are not transmitted by food, so humans cannot get the illness from eating pork products.

This week, the Centers for Disease Control and Prevention (CDC) has confirmed 64 human cases of swine influenza nationwide. Twenty-eight of these cases relate to a school in New York City. The oldest confirmed case is a 54 year old. In contrast to Mexico where this strain of influenza originated and where there have been a number of deaths, thus far in the U.S. there has been only one hospitalization and no deaths. According to officials at the CDC, the fact that the U.S. has experienced less severe swine influenza cases does not mean that we will continue to only experience light cases.

For the most up-to-date information on the number of Swine Flu cases and where they are, please visit the CDC's [website](#).

### **CDC Recommendations and AHCA/NCAL Resources Regarding Swine Flu**

At this time, CDC recommends the use of oseltamivir or zanamivir for the treatment and/or prevention of infection with swine influenza viruses. For now, CDC recommends treatment of confirmed cases and prophylaxis for people who came in contact with confirmed cases. **This swine influenza is resistant to amantadine and rimantadine.**

In the last few days, the CDC issued a number of interim guidances, which are all available [here](#). The CDC points out that the recommendations are based on current information and are subject to change based on ongoing surveillance and continuous risk assessment. AHCA will inform you as we are alerted to changes to these guidelines.

In addition, AHCA/NCAL has developed a swine flu [resources page](#) on its website. This will feature ongoing update memos prepared by AHCA/NCAL and will include “real time” updated posts by the CDC. Please be sure to check back often to see the latest developments.

### **What Facilities Can Do to Prepare for Swine Flu**

As always with influenza, good hygiene is exceedingly important. Reminders to health care staff, visitors and residents of the importance of thoroughly washing hands and covering coughs would be particularly useful now.

This is an excellent time for facilities to review their pandemic plans and to consider how to keep fully staffed if schools in the community close temporarily. Several great resources exist to help facilities with pandemic planning:

- “Planning for a Pandemic/Epidemic or Disaster: Caring for Persons with Cognitive Impairment” may be found on AHCA's [website](#).

- “Long-Term Care and Other Residential Facilities Pandemic Influenza Planning Checklist” on CDC’s [website](#).
- The California Association of Health Facilities (CAHF) “Pandemic Workbook for Long Term Care Providers” on the [CAHF website](#).

The swine influenza outbreak is rapidly evolving and very fluid. AHCA/NCAL is on several conference calls each day with government officials. We will continue to keep you closely apprised of the quickly changing situation.

## On the Hill

### **Register Now for Congressional Briefing!**

AHCA/NCAL welcomes not for profit (NFP) nursing, assisted living and developmental disabilities (DD) providers to our 2009 Congressional Briefing. Howard Fineman, NBC news analyst and *Newsweek’s* senior Washington correspondent, will be a keynote speaker for this year's event, June 3-4, at the Hyatt Regency Washington, DC on Capitol Hill. Fineman is one of the nation’s leading political reporters and commentators and has won numerous awards for his journalism.



Congressional Briefing is your unique opportunity to meet face-to face with Members of Congress and their staff from your delegation to discuss long term and post-acute care legislative issues at the federal level. To register, look under “Events” at [www.ahcancal.org](http://www.ahcancal.org). Questions? Click to contact [Matt Smyth](#).

### **The Community Choice Act Reintroduced in Congress**

*The Community Choice Act, (S 683 /HR 1670)*, has been reintroduced in Congress, championed by Senator Tom Harkin (D-IA) and Representative Danny Davis (D-IL). The legislation would create a new mandatory Medicaid entitlement for community based personal attendant care. While we believe in care in the least restrictive setting, we are concerned with a new mandatory Medicaid benefit that could divert funds away facility-based care. For more information, please contact [MaryAnne Sapio](#).

### **Life Safety Bill Introduced in House**

Congressman Mike Arcuri (D-NY) introduced the *Long-Term Care Life Safety Act of 2009, HR 1680*. The bill would authorize the Secretary of Health and Human Services (HHS) to make grants available to promote professional retrofit installation of fire alarm detection systems and other fire detection and prevention technologies in nursing homes, hospice facilities, assisted living residences and other appropriate facilities. For more information please contact [MaryAnne Sapio](#).

## AHCA/NCAL Launches Ad Campaign for Stable Funding of LTC



AHCA/NCAL has launched a new advertising campaign advocating for sufficient nursing home funding and highlighting the career opportunities in long term care when growing numbers of Americans are unable to find work. The campaign will stress the importance of funding, not only for maintaining quality care and meeting the growing care needs of our aging population, but also for creating much needed healthcare jobs. The three print advertisements will run in select inside-the-beltway publications in March and April.

## Convention

### AHCA/NCAL Annual Meeting - October 4-7, 2009

Join AHCA/NCAL at the 60<sup>th</sup> Annual Quality Care Plus Convention and Expo, October 4-7, 2009 at Chicago's McCormick Place. Our keynote speaker is Major League Baseball Hall of Famer Cal Ripken, Jr., who will share his insight on *The Keys to Perseverance*. LTC practitioners will benefit from over 60 specialized educational forums, including a



**Not for Profit track**, be inspired and energized by dynamic speakers, and become more knowledgeable about the latest products and services from hundreds of exhibitors.

We are also holding our first **“Not for Profit Board and Leadership Training”** event on Sunday, October 4 from 1-5pm. This is an ideal session for NFP Board members, executive and managerial staff, and other professionals interested in learning about NFPs' responsibilities to document community benefit and navigate the new IRS 990 form, as well as other integral aspects of operating a NFP facility. Julie Trocchio from the Catholic Health Association and Ann Tettlebaum, CPA from Williams-Keepers will be presenters.

In addition, for the second year, AHCA will hold a **NFP Reception** the evening of Tuesday, October 6. This is a great opportunity for NFPs to network and get to know each other.

For more information, check the AHCA/NCAL web-site by clicking on the “Events” tab and “AHCA/NCAL Convention,” or contact Melissa Temkin at [mtemkin@ahca.org](mailto:mtemkin@ahca.org).

See the **“Assisted Living Highlights”** section of [this newsletter](#) for details on the third annual **“NCAL Day”** held on Sunday, October 4, before the Annual meeting.

## **New NFP Program Award Will Be Presented at Convention!**

In addition to AHCA/NCAL's current awards that are presented at the Annual meeting, including Volunteer of the Year, DD Hero of the Year, and the NCAL Awards, we have a new **NFP Program Award** to recognize one NFP member facility's community benefit program. Nominations must come from NFP member facilities in good standing or state affiliates, and are due by **Friday, July 3, 2009**.

A panel will choose the Award winner based on various criteria, including how the community benefit program responds to a community need; the uniqueness of the program; how community benefit influences the facility's mission statement, budget and strategic plan; etc.

The NFP Program Award nomination form can be found [here](#). For questions, contact [Melissa Temkin](#)

## **Convention Sponsorship Opportunity for NFPs**

As NFP companies cannot contribute to AHCA's Political Action Committee (PAC), they have limited opportunities to financially support AHCA. However, AHCA's NFP Committee has come up with a creative way for NFP companies to support AHCA-- by sponsoring educational events for this year's Annual meeting. These sponsorships would defray costs of speaker fees and expenses, AV equipment expenditures, etc. With an additional vendor match, AHCA/NCAL would have ample resources to continue providing quality educational opportunities for NFPs.

There are numerous benefits of NFP sponsorship, including: publicly reiterating your company's support of quality resident care through caregiver education; and sharing your company's mission with attendees via written materials, advertising on the visual "loop," and an introduction at the beginning of the sponsored event.

As previously stated, **NFP events in need of sponsorship include:**

- 1<sup>st</sup> Annual NFP Board and Executive Leadership Seminar - 1-4pm on Sun., 10/4/09
- NFP Reception: A great NFP networking opportunity - evening of Tues., 10/6/09
- Convention Sessions (Mon., 10/5/09 - Wed., 10/7/09):
  - a. Documenting Community Benefit
  - b. IRS Form 990 Update
  - c. Profits for Non-Profits: Diversification of Revenue Streams
  - d. Cost Cutting Strategies in a Non Profit Environment
  - e. Practical Insights for Not for Profit Providers

Sponsorship fees for the Leadership Seminar and Reception respectively are \$4,000; and \$2,000 for each convention session. If your company is interested in sponsoring a NFP event this year, **please contact Sharon Purvis, Senior Director of Vendor Relations at [spurvis@ahca.org](mailto:spurvis@ahca.org) or 202-898-6306.**

## **CMS News**

### **Prepare Now for Permanent RACs**

In 2003, Congress directed HHS to demonstrate the use of Recovery Audit Contractors (RACs) under the Medicare Integrity Program to identify underpayments and overpayments and recoup overpayments under the Medicare Part A and Part B programs. Despite an enormous number of difficulties with the three-year demonstration program, Congress has required a permanent and national RAC program to be in place by January 1, 2010. The goal of the permanent RAC program is to identify improper payments made on claims of health care services provided to Medicare beneficiaries.



To prepare for the permanent RACs, AHCA will provide four webinars - one for each RAC region. Each webinar will feature a leading manager from the contractor for the Region; Mark Reagan, an attorney from California; and a CMS representative. **For webinar registration information, see the “Webinar” section of this newsletter.** For more general information, contact [Elise Smith](#).

## **Assisted Living Highlights**

### **Third Annual NCAL Day Will Be Held On October 4**

The National Center for Assisted Living (NCAL) is proud to announce that the third annual NCAL Day is scheduled for Sunday, October 4, 2009—the opening day of the AHCA/NCAL Annual meeting, being held in Chicago at McCormick Place.

The key note speaker is Ken Schmidt, the former director of communications for the Harley-Davidson Motor Co. His presentation will provide attendees with a candid view of the struggles he faced while restoring Harley-Davidson’s image when it was on the verge of bankruptcy. NCAL has planned a full day of assisted living-focused education sessions. Watch for news about NCAL Day in future editions of AHCA/NCAL publications.

## **2009 NCAL Awards Recognize The Best In Assisted Living: Apply Now!**

NCAL is looking for the 2009 Noble Caregiver, Administrator of the Year, and the assisted living community that created outstanding special activity programming for the 2008 National Assisted Living Week®.

The Noble Caregiver Award recognizes an exceptional frontline caregiver whose contributions lead to improved quality of life for the residents and created a better work environment for co-workers. The Administrator of the Year Award recognizes an assisted living administrator who demonstrates outstanding innovation, achievement, and capabilities in their provision of high quality resident-centered care in a service-oriented culture in an assisted living community.

National Assisted Living Week Programming Award applicants will be evaluated on their successful incorporation of the 2008 theme "Filling Life With Love" in their activity plans as well as implementation that resulted in outstanding special activities and community events for residents, families, staff, and volunteers to enjoy.

This year, the award winners will receive special recognition during the NCAL Day luncheon on Sunday, Oct. 4, 2009 in Chicago at the AHCA/NCAL Annual Convention. Applicants must submit their nominations to their respective NCAL state affiliate before the deadline, which is **Monday, June 8, 2009**.

Don't Wait! To learn more about the awards and to download the nomination forms [click here](#).

## **Candidates Interested In Serving As An NCAL Officer or Board Member Need to Submit All Information By June 1**

NCAL has opened the application period for its 2009-2010 election of national officers and board members. NCAL is seeking application for three NCAL officers—Chair, Vice Chair, Treasurer/Secretary—and seven at-large Board of Director positions.

Candidates interested in running for any of the positions may obtain the NCAL candidacy materials from the NCAL Member's Only Web site [here](#). NCAL recommends that interested candidates read all the materials before submitting a completed candidate application packet.

In addition to the completed application, candidates must also submit the following:

- List of communities, including Medicaid provider numbers (if applicable)
- Two current professional reference letters
- Signed consent and release page
- Signed disclosure statement page

All candidacy paperwork must be submitted via e-mail to [Shelley Sabo](#) **June 1**. For more information about the election and vetting process, [visit here](#).

### **NCAL's 2009 State Regulatory Review Available Online**

NCAL has released the comprehensive and unique 2009 Assisted Living State Regulatory Review. The Regulatory Review is the only annual report in the profession that summarizes 50 states and the District of Columbia's regulations across 21 categories. State regulators request copies to keep up with developments in other states. In addition to the report, NCAL members can access an analysis of state regulatory trends, here. To receive a hard copy in the mail, contact Lisa Gelhaus.

### **Market Your Community With NCAL's Assisted Living PowerPoint Tool**

NCAL's Consumer Relations Committee has created a presentation designed to educate consumers about assisted living. The tool is a PowerPoint presentation that members can deliver at meetings of local business, civic, and service-related organizations such as Chamber of Commerce luncheons or Lions Club meetings.

The presentation is titled, "Understanding Assisted Living: Key Facts & Tips On Choosing A Community." It describes assisted living and the care and services provided in layman's terms. The accompanying script located in the "Notes" view prompts speakers to include their own assisted living community information during the presentation.

This PowerPoint has been posted on NCAL's Member's Only site.

### **AMDA Releases White Paper on Physician's Role in Assisted Living Policy**

The American Medical Directors Association (AMDA) recently released a white paper on the role of the physician in the assisted living community. This paper was created by one of AMDA's interdisciplinary workgroups.

The paper reviews assisted living since its inception as a social model but cites the increasing medical complications and acuity level of current day residents and the need for increased intervention by primary care physicians. AMDA cites the need for increased oversight for assisted living comparable to that of nursing facilities, and calls for the increased regulations both by the states and possibly the federal government. Specifically, the white paper outlines recommendations for both the assisted living community and primary care physicians. To view this white paper, please click here. For more information, please contact Shelley Sabo.

## **Workforce**

### **ETA Announces States' Allotments for DOL Training/Employment Services Under AARA**

The U.S. Department of Labor, Employment and Training Administration (ETA) has announced allotments for training and employment services as specified in the *American Recovery and Reinvestment Act of 2009 (ARRA)* for activities under the Workforce Investment Act (WIA), Wagner-Peyser Act and Reemployment Services.

According to the announcement, ARRA funds for training and employment services are available for allotment as follows: \$1,188,000,000 for youth activities; \$495,000,000 for adult services, including supportive services and needs-related services; \$1,435,500,000 for dislocated worker training and employment services; and \$396,000,000 for Wagner-Peyser Act activities, which are funds allotted to each state to administer a labor exchange program responding to the needs of the state's employers and workers through a system of local employment services offices that are part of the One-Stop service delivery system established by the state. Questions? Click to contact [Dianne De La Mare](#).

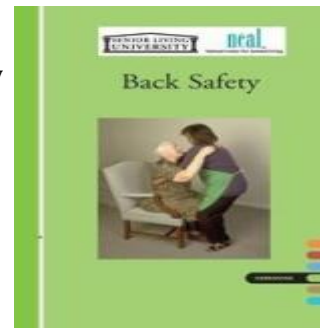
### **Quality Partners of RI Develops New NF Leadership Tool**

Quality Partners of Rhode Island, in collaboration with B&F Consulting, have created a new tool, *Workforce Stability Toolkit*, for nursing facility leadership through a grant from the Commonwealth Fund. This toolkit incorporates experiences and lessons learned in over 400 nursing facilities, and is designed to serve as a resource for recruitment and retention improvement. The *Workforce Stability Toolkit* is available free of charge by clicking [here](#). For more information, please contact [Dianne De La Mare](#).

### **Teach Staff How to Avoid Back Injuries**

Teach staff members how to prevent back injuries with this DVD, entitled "Back Safety." The 30-minute DVD, produced by Senior Living University, demonstrates correct resident lifting techniques and how to properly provide assistance with moving residents.

To order the Back Safety DVD from NCAL's bookstore, [click here](#). To order by telephone call (800) 321-0343 and ask for Product No. 8029D. The cost for members is \$80, and the cost for non-members is \$95.



## **Webinars**

### **Learn About Performance Measures in Assisted Living: May 5**

Join leaders from NCAL and My InnerView for a webinar on Tuesday, May 5, at 2 pm, ET, which will focus on performance measures in assisted living. As part of NCAL's Quality Initiative, it is important for assisted living providers to understand what to measure when focusing on performance. Questions discussed will include: What measurements are most important to measure in assisted living? How do you use performance measures to ensure you are meeting your quality goals? Etc. Join us as leaders explore these questions and look at My InnerView's research and findings on performance measures within assisted living. [Register today!](#)

### **NFP Grassroots Webinar: May 7**

This webinar, scheduled for Thursday, May 7 from 2-3pm, ET, will assist NFP LTC providers in understanding the legality of NFP lobbying and establishing effective grassroots campaigns.

Click [here](#) to reserve your webinar seat now.

### **Prepare for Permanent RACs**

As mentioned in the “CMS News” section of this newsletter, to prepare for the permanent Recovery Audit Contractors (RACs,) AHCA will provide four webinars – one for each RAC region. Please register for the appropriate webinar below per your Region:

- Click [here](#) to register for the REGION A webinar, Tuesday, June 2 from 2 – 3:30 PM, ET
- Click [here](#) to register for the REGION B webinar, Wednesday, May 27 from 2 – 3:30 PM, ET
- Click [here](#) to register for the REGION C webinar, Monday, June 1 from 2 – 3:30 PM, ET
- Click [here](#) to register for the REGION D webinar, Tuesday, June 2 from 4 – 5:30 PM, ET

### **Developing Governing Policies: June 17**

This webinar, scheduled for Wed., June 17 from 2-3pm, ET, will review the benefits of having a complete set of governing policies, the characteristics of quality governing policies, and steps in developing great policies. The presenter, Cathie Leimbach, will address the Board of Director's role in setting these policies and how effective policies make the Board's job easier.

To register for this webinar, click [here](#).

## **ADA Resource**

### **ADA Amendments: Legal Issues Summary Published Online**

Seattle-based law firm Lane Powell has developed a [legal issues brief](#) that explains the effects of the new Americans with Disabilities Act (ADA) Amendments Act. This Act significantly broadened the disabilities that are covered under the law.

The 12-page brief provides an executive summary, a section on the law's effects, and recommendations on how LTC providers should be interacting with employees who ask for a reasonable accommodation.

The slides from the accompanying March webinar, “How the New ADA Amendments Impact Assisted Living and Nursing Home Workplace Policies and Practices” can be found [here](#).

## **Fraud and Abuse**

### **GAO Seeks Help in Fighting Fraud and Abuse**

As billions of dollars are distributed under the *ARRA*, the U.S. Government



Accountability Office (GAO) is urging private citizens, government workers, contractors, and others to report waste, fraud, abuse or mismanagement of those funds to FraudNet. FraudNet is an email, phone and fax hotline that processes allegations about federal agencies and federally funded programs, including Medicare and Medicaid programs. The FraudNet call in number is 800-424-5454; you can email by clicking [here](#); fax is 202-512-3085; and the address for written communication is GAO FraudNet 441 G Street, NW, Mail Stop 4T21, Washington, DC, 20548. Questions? Click to contact [Dianne De La Mare](#).

## **Emergency Recap**

### **Public Health Emergency in ND and MN**

Due to heavy flooding in both Minnesota (MN) and North Dakota (ND) earlier this month, both states were placed under a public health emergency. HHS granted temporary Medicare flexibilities under a section 1135(b) waiver and section 1812(f) authority. Section 1812(f) temporarily eliminates the 3-day hospital stay requirement for SNF admission and also waives the spell of illness requirements for evacuees and others affected by an emergency who need SNF care. The section 1135 (b) waiver permits the modification of certain requirements, deadlines and timetables to the extent necessary to ensure health and safety during an emergency. For more information, see CMS’ frequently asked questions document [here](#).

Approximately 1800 individuals were evacuated from NFs, ALFs, ICFs/MR, and hospitals in ND. MN residents were more fortunate with, we believe, only one NF and a few ALFs evacuating. We commend our ND and MN affiliates for their hard work in resident relocation and general assistance to LTC facilities during this emergency.

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