



May 2024 Reflections

On April 23, 2024, The Department of Labor announced a final rule that expands overtime protections to salaried workers beginning this summer. The overtime rule increases the salary thresholds necessary to exempt a salaried executive, administrative or professional employee from federal overtime pay requirements. Effective July 1, the salary threshold will increase to the equivalent of an annual salary of \$43,888 and will increase to \$58,656 on Jan. 1. The July 1 increase updates the current annual salary threshold of \$35,568, which is based on a 2019 overtime rule update. In addition, the new rule will adjust the threshold for so-called highly compensated employees. Starting July 1, 2027, salary thresholds will update every three years by applying up-to-date wage data to determine new salary levels. Stay tuned for specific instructions on how to calculate overtime for salaried employees.

On the same day, the Federal Trade Commission issued the Final Non-Compete Rule. The rule will make nearly all preexisting and future U.S. non-compete agreements with workers unenforceable, with the exception of preexisting non-compete agreements with "senior executives". Existing non-compete agreements may still be enforceable. NOTE: This rule is being legally challenged.

On May 8th, Skilled Nursing News reported on the proposed SNF VBP (Value Based Purchasing) program. "The SNF VBP program, initiated in fiscal year 2019, aims to enhance the quality of care delivered by nursing homes through incentivizing quality of care improvements. Morrison highlighted that all SNFs under Medicare's SNF Prospective Payment System are automatically considered for inclusion in the program. Under the guidance of the Protecting Access to Medicare Act of 2014 (PAMA), SNFs are assessed based on their performance on quality measures related to both improvement and achievement. The program initially evaluated performance using a single measure of all-cause hospital readmissions, known as the SNF RM. However, with the fiscal year 2026 expansion, three additional quality measures are being introduced: SNF Healthcare-Associated Infections Requiring Hospitalization, Total Nursing Staff Turnover, and Total Nursing Hours per Resident Day. These measures will be assessed using fiscal year 2022 as the baseline period and fiscal year 2024 as the performance period. One of the notable changes in the scoring methodology is the combination of multiple measure scores to calculate an overall performance score for each SNF. This score, out of 100 points, will determine the incentive payment multiplier (IPM), which will be applied prospectively to SNF Medicare Fee-for-Service Part A claims throughout fiscal year 2026, Morrison said.

Along with all the other changes that CMS has issued, they released the new Mandated Staffing Mandate along with timelines. Per the AHCA/NCAL Staffing Mandate Analysis: "The staffing mandate requires a minimum standard of 3.48 total nursing staff hours per resident day (HPRD), including 0.55 hours to be delivered by registered nurses (RNs) and 2.45 hours by nurse aides. The remaining 0.48 hours may be filled by any combination of nurse aides, RNs, and licensed practical or vocational nurses (LPN/LVNs). Additionally, nursing homes will be required to have an RN on-site 24 hours a day, 7 days a week." The most urgent part of the mandate is the new requirements for the Facility Assessment which will become effective August 9, 2024. Each facility must conduct and document a facility-wide assessment to determine what resources are necessary to care for facility residents competently during both day-to-day operations (including nights and weekend) and emergencies. The facility must review and update the assessment whenever there is, or the facility plans for, any change that would require a substantial modification to any part of the assessment. More information on the required changes is available on specific requirements for the Facility Assessment. NOTE: This mandate is being challenged in Congress and may be legally challenged based on the impossibility of compliance with this unreasonable rule.

All QCOR data below is for FY2024

Average Number of Deficiencies in Standard Surveys

National FY2024

Average Number of Deficiencies Report

Region	Average # Deficiencies per Survey by Scope & Severity												Total	# of Surveys
	B	C	D	E	F	G	H	I	J	K	L			
(I) Boston	0.4	0.1	5.4	2.2	0.6	0.2	0.1	0.01	0.1	0.02	0.0	9.2	247	
(II) New York	0.1	0.1	4.4	1.5	0.4	0.1	0.01	0.0	0.03	0.02	0.01	6.7	199	
(III) Philadelphia	0.1	0.1	5.8	2.3	0.5	0.1	0.0	0.0	0.04	0.01	0.01	9.0	408	
(IV) Atlanta	0.1	0.1	3.8	1.1	0.4	0.1	0.0	0.0	0.1	0.04	0.03	5.8	685	
(V) Chicago	0.04	0.2	4.6	1.2	0.9	0.2	0.0	0.0	0.03	0.0	0.01	7.1	1,224	
(VI) Dallas	0.04	0.1	3.2	2.9	0.5	0.04	0.01	0.0	0.1	0.1	0.02	6.9	805	
(VII) Kansas City	0.1	0.2	4.6	2.2	1.1	0.1	0.0	0.0	0.04	0.01	0.0	8.3	463	
Iowa	0.1	0.05	4.4	1.5	0.2	0.1	0.01	0.0	0.03	0.02	0.0	6.4	148	
Kansas	0.0	0.2	7.0	1.8	2.3	0.1	0.0	0.0	0.05	0.0	0.0	11.4	81	
Missouri	0.1	0.4	4.4	3.7	1.2	0.1	0.0	0.0	0.1	0.01	0.01	10.0	160	
Nebraska	0.0	0.2	2.7	0.8	1.0	0.04	0.0	0.0	0.01	0.0	0.0	4.8	74	
(VIII) Denver	0.03	0.1	3.6	1.6	0.9	0.3	0.0	0.0	0.03	0.02	0.01	6.5	232	
(IX) San Francisco	0.4	0.03	7.2	3.4	0.6	0.1	0.0	0.0	0.02	0.01	0.02	11.8	475	
(X) Seattle	0.1	0.1	7.8	3.3	0.7	0.4	0.0	0.0	0.1	0.0	0.01	12.4	146	
National Total	0.1	0.1	4.7	2.0	0.7	0.1	0.01	0.0	0.05	0.02	0.01	7.8	4,884	

National Citation Frequency Overall Surveys FY2024

Citation Frequency Report

National Tag #	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Totals represent the # of providers and surveys that meet the selection criteria specified above.		Active Providers=14926		Total Number of Surveys=45901
F0884	Reporting - National Health Safety Network	8,990	23.7%	19.6%
F0880	Infection Prevention & Control	3,222	17.9%	7.0%
F0689	Free of Accident Hazards/Supervision/Devices	3,152	17.0%	6.9%
F0812	Food Procurement, Store/Prepare/Serve Sanitary	2,678	16.1%	5.8%
F0684	Quality of Care	2,281	12.7%	5.0%
F0656	Develop/Implement Comprehensive Care Plan	2,045	11.8%	4.5%
F0761	Label/Store Drugs and Biologicals	1,838	11.1%	4.0%
F0677	ADL Care Provided for Dependent Residents	1,706	9.3%	3.7%
F0609	Reporting of Alleged Violations	1,407	7.8%	3.1%
F0584	Safe/Clean/Comfortable/Homelike Environment	1,366	7.4%	3.0%

National Citation Frequency Report Standard Surveys FY2024

Citation Frequency Report

National Tag #	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Totals represent the # of providers and surveys that meet the selection criteria specified above.		Active Providers=14926		Total Number of Surveys=4884
F0812	Food Procurement, Store/Prepare/Serve Sanitary	2,215	14.8%	45.4%
F0880	Infection Prevention & Control	2,119	14.2%	43.4%
F0761	Label/Store Drugs and Biologicals	1,490	10.0%	30.5%
F0689	Free of Accident Hazards/Supervision/Devices	1,325	8.9%	27.1%
F0656	Develop/Implement Comprehensive Care Plan	1,318	8.8%	27.0%
F0684	Quality of Care	1,107	7.4%	22.7%
F0695	Respiratory/Tracheostomy Care and Suctioning	1,064	7.1%	21.8%
F0677	ADL Care Provided for Dependent Residents	1,000	6.7%	20.5%
F0657	Care Plan Timing and Revision	843	5.6%	17.3%
F0550	Resident Rights/Exercise of Rights	840	5.6%	17.2%
F0584	Safe/Clean/Comfortable/Homelike Environment	838	5.6%	17.2%

Iowa FY 2024-Standard

Citation Frequency Report

State Tag #	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Totals represent the # of providers and surveys that meet the selection criteria specified above.		Iowa Active Providers=409		Total Number of Surveys=148
F0812	Food Procurement, Store/Prepare/Serve Sanitary	58	14.2%	39.2%
F0880	Infection Prevention & Control	55	13.4%	37.2%
F0658	Services Provided Meet Professional Standards	50	12.2%	33.8%
F0657	Care Plan Timing and Revision	48	11.7%	32.4%
F0656	Develop/Implement Comprehensive Care Plan	32	7.8%	21.6%
F0550	Resident Rights/Exercise of Rights	32	7.8%	21.6%
F0689	Free of Accident Hazards/Supervision/Devices	31	7.6%	20.9%
F0641	Accuracy of Assessments	29	7.1%	19.6%
F0684	Quality of Care	29	7.1%	19.6%
F0677	ADL Care Provided for Dependent Residents	26	6.4%	17.6%

Iowa FY2024-Complaint

Citation Frequency Report

State Tag #	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Totals represent the # of providers and surveys that meet the selection criteria specified above.		Iowa Active Providers=409		Total Number of Surveys=443
F0689	Free of Accident Hazards/Supervision/Devices	75	16.4%	16.9%
F0684	Quality of Care	62	13.2%	14.0%
F0550	Resident Rights/Exercise of Rights	61	14.2%	13.8%
F0658	Services Provided Meet Professional Standards	46	10.0%	10.4%
F0677	ADL Care Provided for Dependent Residents	45	9.5%	10.2%
F0725	Sufficient Nursing Staff	44	8.8%	9.9%
F0880	Infection Prevention & Control	35	8.1%	7.9%
F0609	Reporting of Alleged Violations	29	6.8%	6.5%
F0584	Safe/Clean/Comfortable/Homelike Environment	26	5.6%	5.9%
F0580	Notify of Changes (Injury/Decline/Room, etc.)	24	5.9%	5.4%

Kansas FY2024-Standard Citation Frequency Report

State	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Tag #				
Totals represent the # of providers and surveys that meet the selection criteria specified above.		Kansas Active Providers=307		Total Number of Surveys=81
F0880	Infection Prevention & Control	49	16.0%	60.5%
F0812	Food Procurement, Store/Prepare/Serve Sanitary	47	15.3%	58.0%
F0689	Free of Accident Hazards/Supervision/Devices	43	14.0%	53.1%
F0657	Care Plan Timing and Revision	42	13.7%	51.9%
F0758	Free from Unnec Psychotropic Meds/PRN Use	33	10.7%	40.7%
F0550	Resident Rights/Exercise of Rights	30	9.8%	37.0%
F0677	ADL Care Provided for Dependent Residents	29	9.4%	35.8%
F0756	Drug Regimen Review, Report Irregular, Act On	29	9.4%	35.8%
F0851	Payroll Based Journal	29	9.4%	35.8%
F0761	Label/Store Drugs and Biologicals	28	9.1%	34.6%

Kansas FY2024-Complaint Citation Frequency Report

State	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Tag #				
Totals represent the # of providers and surveys that meet the selection criteria specified above.		Kansas Active Providers=307		Total Number of Surveys=473
F0689	Free of Accident Hazards/Supervision/Devices	47	13.4%	9.9%
F0684	Quality of Care	15	4.6%	3.2%
F0812	Food Procurement, Store/Prepare/Serve Sanitary	13	4.2%	2.7%
F0880	Infection Prevention & Control	13	4.2%	2.7%
F0600	Free from Abuse and Neglect	12	3.6%	2.5%
F0609	Reporting of Alleged Violations	11	3.6%	2.3%
F0686	Treatment/Svcs to Prevent/Heal Pressure Ulcer	11	3.3%	2.3%
F0677	ADL Care Provided for Dependent Residents	9	2.9%	1.9%
F0690	Bowel/Bladder Incontinence, Catheter, UTI	9	2.9%	1.9%
F0657	Care Plan Timing and Revision	9	2.9%	1.9%
F0760	Residents are Free of Significant Med Errors	9	2.9%	1.9%

Missouri FY2024-Standard Citation Frequency Report

State	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Tag #				
Totals represent the # of providers and surveys that meet the selection criteria specified above.		Missouri Active Providers=507		Total Number of Surveys=160
F0812	Food Procurement, Store/Prepare/Serve Sanitary	97	19.1%	60.6%
F0880	Infection Prevention & Control	92	18.1%	57.5%
F0658	Services Provided Meet Professional Standards	57	11.2%	35.6%
F0761	Label/Store Drugs and Biologicals	56	11.0%	35.0%
F0689	Free of Accident Hazards/Supervision/Devices	55	10.8%	34.4%
F0677	ADL Care Provided for Dependent Residents	51	10.1%	31.9%
F0584	Safe/Clean/Comfortable/Homelike Environment	48	9.5%	30.0%
F0656	Develop/Implement Comprehensive Care Plan	45	8.9%	28.1%
F0550	Resident Rights/Exercise of Rights	32	6.3%	20.0%
F0758	Free from Unnec Psychotropic Meds/PRN Use	31	6.1%	19.4%
F0623	Notice Requirements Before Transfer/Discharge	31	6.1%	19.4%

Missouri FY2024-Complaint Citation Frequency Report

State	Tag #	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Totals represent the # of providers and surveys that meet the selection criteria specified above.			Missouri Active Providers=507		Total Number of Surveys=1374
	F0689	Free of Accident Hazards/Supervision/Devices	28	5.5%	2.0%
	F0658	Services Provided Meet Professional Standards	23	4.3%	1.7%
	F0677	ADL Care Provided for Dependent Residents	22	4.3%	1.6%
	F0609	Reporting of Alleged Violations	20	3.7%	1.5%
	F0600	Free from Abuse and Neglect	18	3.6%	1.3%
	F0610	Investigate/Prevent/Correct Alleged Violation	18	3.6%	1.3%
	F0684	Quality of Care	18	3.4%	1.3%
	F0686	Treatment/Svcs to Prevent/Heal Pressure Ulcer	16	3.0%	1.2%
	F0880	Infection Prevention & Control	13	2.6%	0.9%
	F0760	Residents are Free of Significant Med Errors	13	2.4%	0.9%
	F0584	Safe/Clean/Comfortable/Homelike Environment	13	2.6%	0.9%

Nebraska FY2024-Standard Citation Frequency Report

State	Tag #	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Totals represent the # of providers and surveys that meet the selection criteria specified above.			Nebraska Active Providers=186		Total Number of Surveys=74
	F0880	Infection Prevention & Control	42	22.6%	56.8%
	F0812	Food Procurement, Store/Prepare/Serve Sanitary	33	17.7%	44.6%
	F0641	Accuracy of Assessments	14	7.5%	18.9%
	F0689	Free of Accident Hazards/Supervision/Devices	14	7.5%	18.9%
	F0758	Free from Unnec Psychotropic Meds/PRN Use	13	7.0%	17.6%
	F0684	Quality of Care	13	7.0%	17.6%
	F0609	Reporting of Alleged Violations	11	5.9%	14.9%
	F0584	Safe/Clean/Comfortable/Homelike Environment	11	5.9%	14.9%
	F0801	Qualified Dietary Staff	9	4.8%	12.2%
	F0644	Coordination of PASARR and Assessments	8	4.3%	10.8%
	F0656	Develop/Implement Comprehensive Care Plan	8	4.3%	10.8%
	F0757	Drug Regimen is Free from Unnecessary Drugs	8	4.3%	10.8%
	F0580	Notify of Changes (Injury/Decline/Room, etc.)	8	4.3%	10.8%

Nebraska FY2024-Complaint Citation Frequency Report

State	Tag #	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Totals represent the # of providers and surveys that meet the selection criteria specified above.			Nebraska Active Providers=186		Total Number of Surveys=159
	F0689	Free of Accident Hazards/Supervision/Devices	10	5.4%	6.3%
	F0609	Reporting of Alleged Violations	10	5.4%	6.3%
	F0580	Notify of Changes (Injury/Decline/Room, etc.)	6	3.2%	3.8%
	F0880	Infection Prevention & Control	5	2.7%	3.1%
	F0684	Quality of Care	5	2.7%	3.1%
	F0812	Food Procurement, Store/Prepare/Serve Sanitary	4	2.2%	2.5%
	F0760	Residents are Free of Significant Med Errors	4	1.6%	2.5%
	F0677	ADL Care Provided for Dependent Residents	3	1.6%	1.9%
	F0610	Investigate/Prevent/Correct Alleged Violation	3	1.6%	1.9%
	F0550	Resident Rights/Exercise of Rights	3	1.6%	1.9%
	F0686	Treatment/Svcs to Prevent/Heal Pressure Ulcer	3	1.6%	1.9%

Overdue Recertification Surveys Report (16 months) FY2024

Overdue Recertification Surveys Report

Region	Number of Late Surveys	% of Active Providers
(I) Boston	190	23.5%
(II) New York	423	44.3%
(III) Philadelphia	418	30.6%
(IV) Atlanta	1,050	39.4%
(V) Chicago	541	16.8%
(VI) Dallas	88	4.3%
(VII) Kansas City	242	17.4%
Iowa	34	8.4%
Kansas	82	26.8%
Missouri	124	25.0%
Nebraska	2	1.1%
(VIII) Denver	65	11.3%
(IX) San Francisco	570	40.2%
(X) Seattle	74	17.5%
National Total	3,661	24.6%

Number of G+ Deficiencies FY2024

Deficiency Count Report

Region	Deficiencies by Scope & Severity											Total
	B	C	D	E	F	G	H	I	J	K	L	
(I) Boston	0	0	0	0	0	116	14	2	34	7	1	174
(II) New York	0	0	0	0	0	30	4	0	14	5	13	66
(III) Philadelphia	0	0	0	0	0	105	0	0	52	21	6	184
(IV) Atlanta	0	0	0	0	0	233	9	0	290	90	55	677
(V) Chicago	0	0	0	0	0	887	8	0	245	20	34	1,194
(VI) Dallas	0	0	0	0	0	129	31	1	303	205	34	703
(VII) Kansas City	0	0	0	0	0	167	3	0	96	28	12	306
Iowa	0	0	0	0	0	66	2	0	28	16	0	112
Kansas	0	0	0	0	0	44	0	0	34	4	5	87
Missouri	0	0	0	0	0	50	1	0	30	8	7	96
Nebraska	0	0	0	0	0	7	0	0	4	0	0	11
(VIII) Denver	0	0	0	0	0	130	3	0	12	6	2	153
(IX) San Francisco	0	0	0	0	0	176	1	0	43	18	10	248
(X) Seattle	0	0	0	0	0	170	0	0	28	2	2	202
National Total	0	0	0	0	0	2,143	73	3	1,117	402	169	3,907

G+ Citation Frequency for Region VII FY2024

Citation Frequency Report

Region	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Tag #				
Totals represent the # of providers and surveys that meet the selection criteria specified above.		(VII) Kansas City Active Providers=1409		Total Number of Surveys=238
F0689	Free of Accident Hazards/Supervision/Devices	97	5.7%	40.8%
F0686	Treatment/Svcs to Prevent/Heal Pressure Ulcer	37	2.2%	15.5%
F0684	Quality of Care	32	2.1%	13.4%
F0600	Free from Abuse and Neglect	26	1.7%	10.9%
F0760	Residents are Free of Significant Med Errors	17	0.9%	7.1%
F0609	Reporting of Alleged Violations	9	0.6%	3.8%
F0610	Investigate/Prevent/Correct Alleged Violation	8	0.6%	3.4%
F0692	Nutrition/Hydration Status Maintenance	8	0.5%	3.4%
F0697	Pain Management	8	0.5%	3.4%
F0835	Administration	6	0.2%	2.5%
F0678	Cardio-Pulmonary Resuscitation (CPR)	6	0.4%	2.5%
F0880	Infection Prevention & Control	6	0.4%	2.5%
F0742	Treatment/Srvcs Mental/Psychosocial Concerns	6	0.4%	2.5%

J+ Citation Frequency for Region VII FY2024

Citation Frequency Report

Region	Tag Description	# Citations	% Providers Cited	% Surveys Cited
Tag #				
Totals represent the # of providers and surveys that meet the selection criteria specified above.		(VII) Kansas City Active Providers=1409		Total Number of Surveys=105
F0689	Free of Accident Hazards/Supervision/Devices	40	2.5%	38.1%
F0684	Quality of Care	13	0.9%	12.4%
F0600	Free from Abuse and Neglect	12	0.9%	11.4%
F0609	Reporting of Alleged Violations	9	0.6%	8.6%
F0610	Investigate/Prevent/Correct Alleged Violation	7	0.5%	6.7%
F0686	Treatment/Svcs to Prevent/Heal Pressure Ulcer	7	0.5%	6.7%
F0835	Administration	6	0.2%	5.7%
F0678	Cardio-Pulmonary Resuscitation (CPR)	6	0.4%	5.7%
F0880	Infection Prevention & Control	6	0.4%	5.7%
F0760	Residents are Free of Significant Med Errors	5	0.4%	4.8%

Civil Money Penalty (CMP) Report, Region VII (Kansas City) FY2024

Civil Money Penalty (CMP) Report

Region	Total Number of CMPs		Total Dollar Amount		Average Dollar Amount		Average Days in Effect
	Per Diem	Per Instance	Per Diem	Per Instance	Per Diem	Per Instance	Per Diem
(I) Boston	156	84	\$ 5,554,213.14	\$ 1,239,159.38	\$ 35,603.93	\$ 14,751.90	18
(II) New York	196	16	\$ 4,783,384.09	\$ 238,750.85	\$ 24,405.02	\$ 14,921.93	10
(III) Philadelphia	156	60	\$ 5,947,753.45	\$ 725,508.10	\$ 38,126.62	\$ 12,091.80	18
(IV) Atlanta	470	201	\$ 12,717,658.25	\$ 1,926,293.66	\$ 27,058.85	\$ 9,583.55	11
(V) Chicago	477	129	\$ 20,958,964.79	\$ 2,303,787.08	\$ 43,939.13	\$ 17,858.81	21
(VI) Dallas	482	223	\$ 18,792,176.91	\$ 3,303,310.28	\$ 38,987.92	\$ 14,813.05	16
(VII) Kansas City	193	23	\$ 1,631,478.40	\$ 358,416.80	\$ 8,453.26	\$ 15,583.34	5
Iowa	68	22	\$ 712,792.30	\$ 336,081.80	\$ 10,482.24	\$ 15,276.45	10
Kansas	43	0	\$ 288,808.70	\$ 0.00	\$ 6,716.48	\$ 0.00	2
Missouri	68	1	\$ 511,218.31	\$ 22,335.00	\$ 7,517.92	\$ 22,335.00	2
Nebraska	14	0	\$ 118,659.09	\$ 0.00	\$ 8,475.65	\$ 0.00	4
(VIII) Denver	142	13	\$ 1,899,718.66	\$ 142,176.75	\$ 13,378.30	\$ 10,936.67	11
(IX) San Francisco	316	32	\$ 5,634,700.08	\$ 459,070.20	\$ 17,831.33	\$ 14,345.94	11
(X) Seattle	75	14	\$ 3,892,512.51	\$ 184,602.10	\$ 51,900.17	\$ 13,185.86	43
National Total	2,663	795	\$ 81,812,560.28	\$ 10,881,075.20	\$ 30,721.95	\$ 13,686.89	15

If I can help you in any way, please feel free to contact me.

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