

LONG-TERM CARE, HOME HEALTH & HOSPICE

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OIG REPORT FINDS EXTENSIVE MISUSE OF ANTIPSYCHOTICS IN NURSING FACILITIES

The Office of Inspector General (OIG) released a **report** this morning detailing issues found in the use of antipsychotics in nursing facilities. Utilizing a sample of records from January through June of 2007, the OIG found over 99% of records reviewed failed to meet one or more Federal requirements.

In total, 373 of the 375 records reviewed for elderly nursing facility residents receiving atypical antipsychotic drugs during the first 6 months of 2007 lacked evidence to indicate that they met all Federal requirement(s) for nursing facility resident assessments and care plans. The resident assessment and care plan process involves four steps.

One-third of records did not contain evidence of staff compliance with Federal requirements regarding resident assessments, the first step. For 4% of records, nursing facility staff did not document consideration of the RAP for psychotropic drug use as required, the second step. Additionally, 99% of records did not contain evidence that Federal requirements for care plans—the third step—were met.

Finally, 18% of records that listed care plan interventions for antipsychotic drug use did not contain evidence that those interventions—the fourth step—actually occurred. Forty-eight percent of records did not meet two or more Federal requirements, resulting in 205 overlapping errors.

The OIG report generated three recommendations for the Centers for Medicare & Medicaid Services (CMS) to ensure that nursing facilities take actions designed to provide high-quality care to elderly residents in nursing facilities. CMS concurred with the OIG recommendations, and provides responses illustrating the proposed implementation of the recommendations. CMS already has launched an initiative aimed at systematically reducing the use of antipsychotics in nursing facilities.

- Improve the detection of noncompliance with Federal requirements for resident assessments and care plans: CMS plans to strengthen guidance for surveyors in the SOM to improve the detection of noncompliance with Federal requirements for resident assessments and care plans.
- Take appropriate action to address noncompliance with Federal requirements for resident assessments and care plans:
 CMS plans to clarify guidance in the SOM on which deficiency determinations and enforcement remedies are most appropriate for deficiencies in resident assessments and care plans and to include this clarification in upcoming surveyor training programs.
- Provide methods for nursing facilities to enhance the development and usefulness of resident assessments and care plans for residents receiving antipsychotic drugs: CMS has a multidisciplinary approach to reduce the unnecessary use of antipsychotic drugs that includes public-private partnerships; research; technical assistance and education (for nursing homes, physicians/prescribers, pharmacists, nurses, and others); consumer engagement; public reporting; and updates to surveyor guidance and training.

Should you have any questions, please contact: Todd Selby at 317.977.1440 or tselby@hallrender.com; Brian Jent at 317.977.1402 or bjent@hallrender.com; or David Bufford at 502.568.9368 or dbufford@hallrender.com, or your regular Hall Render attorney.