

CHRISTOPHER S. BOND, MISSOURI CHAIRMAN
CONRAD R. BURNS, MONTANA
PAUL COVERDELL, GEORGIA
ROBERT F. BENNETT, UTAH
OLYMPIA J. SNOWE, MAINE
MICHAEL ENZI, WYOMING
PETER G. FITZGERALD, ILLINOIS
MIKE CRAPO, IDAHO
GEORGE V. VOINOVICH, OHIO
SPENCER ABRAHAM, MICHIGAN
JOHN F. KERRY, MASSACHUSETTS
CARL LEVIN, MICHIGAN
TOM HARKIN, IOWA
JOSEPH I. LIEBERMAN, CONNECTICUT
PAUL D. WELLSTONE, MINNESOTA
MAX CLELAND, GEORGIA
MARY LANDRIEU, LOUISIANA
JOHN EDWARDS, NORTH CAROLINA

EMILIA DISANTO, STAFF DIRECTOR
PATRICIA R. FORBES, DEMOCRATIC STAFF DIRECTOR

United States Senate

COMMITTEE ON SMALL BUSINESS
WASHINGTON, DC 20510-6350

February 4, 2000

VIA FACSIMILE

(202) 690-6262

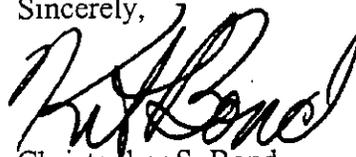
The Honorable Nancy-Ann Min DeParle
Administrator
Hubert H. Humphrey Building
200 Independence Ave., SW
Washington, DC 20201

Dear Administrator DeParle:

On January 26, 2000, Earl Carlson, Executive Director, Missouri Health Care Association (MHCA), visited my office and presented me with an analysis (MHCA Report) of OSCAR survey data, which the Health Care Financing Administration previously provided to me and my staff in Kansas City on November 22, 1999. The MHCA Report characterized the data as "fatally flawed making any analysis invalid."

Please review the enclosed MHCA Report and respond to MHCA's analysis and comments regarding the OSCAR survey data in question. I would appreciate receiving a response no later than February 18, 2000. If you or your staff have any questions, please do not hesitate to contact Dan Donovan at (202) 224-5175. Thank you in advance for your prompt response to my request.

Sincerely,



Christopher S. Bond
Chairman

Enclosure

cc: Tom Lenz
Associate Regional Administrator
(816) 426-3851

Earl E. Carlson, Jr.
Executive Director
Missouri Health Care Association
(573) 893-5248

Discussion
Senator Christopher (Kit) Bond
Missouri Health Care Association
January 26, 2000

In November of 1999 the Health Care Finance Administration provided to Senator Christopher (Kit) Bond data which showed that 16 Missouri nursing facilities had been cited as placing nursing facility patients in immediate jeopardy at a grid level of J, K and L, the highest possible citation, 26 times (the data actually shows 27 citations) from a sample of 560 surveys. This was then compared to the previous survey in the database or 16 months comparable data. This data indicated that these citations had increased over 3% from the previous survey and exceeded the HCFA ten state consortia average in excess of 1½% and the national average almost 2%. Senator Bond from this data alone advised the press of his concern about the quality of care in Missouri nursing facilities. **The data in the HCFA OSCAR database in November of 1999 and now is fatally flawed making any analysis invalid.**

- Of the 16 Missouri nursing facilities, 9 facilities and 12 citations had more current surveys which would have removed them from the sample had the database been updated timely and accurately. The failure of the HCFA database created an error rate of almost 50%. Correct data showing 2.5% of Missouri nursing facilities with J, K, L citations would have placed Missouri below the HCFA consortia and national comparisons. **This data error which is irrefutable demonstrates the fatal flaws invalidating any conclusions.**
- Of the remaining 14 citations for 7 nursing facilities the Missouri Division of Aging has now verbally advised MHCA that they incorrectly cited one grid level L F-tag for one facility, which when removed will reduce the citation rate to 2.32%.
- Of the remaining 13 citations, two citations (1 nursing facility) are currently in litigation and should not appear in the data. Division of Aging believes that litigation is not part of the survey process. Removing these two citations reduces the citation rate to 1.96%.
- Of the remaining 11 citations, 10 citations issued to three nursing facilities (5, 3, 2) were multiple citations for single incidents. MHCA believes it is inappropriate to cite an incident and then paperwork issues surrounding the incident as separate citations at an immediate jeopardy level. Of these 10 citations, if 7 were removed leaving one per incident, the Missouri citation rate would equal 1.07%, a decrease from the previous period.
- Other issues and a recap of the above statement in the following bullet points which sometimes duplicate each other, again demonstrating flaws in the data by showing that some facilities citations were flawed in more than one manner.
 - November 1999 data shows 16 facilities with 26 (27) J, K, L citations.

- Of the 26 citations, one had been removed in March of 1999, showing on the 11/1999 data and still showing on current January 14, 2000 data reports.
- Two facilities, five citations are currently in litigation.
- Six facilities were cited for 17 violations, five of these six facilities had only one incident cited multiple times. In the HCFA region of Iowa, Illinois, Nebraska and Missouri. Iowa, Illinois and Nebraska show no multiple citations on December 19, 1999 data.
- Nine facilities had current survey data not shown on the OSCAR database.
- Current OSCAR data of 1/14/2000 still shows six nursing facilities with erroneous current survey dates. These facilities with more current surveys still have not had their data updated.
- Of the 26 citations most are controversial and could be appealed through the Missouri Division of Aging (IDR process), Missouri Administrative Appeals, HCFA Administrative Appeals and finally to the courts. Most nursing facilities in this grouping feel that they were overcited or incorrectly cited, however have taken no appeal action for fear of retribution and the legal costs associated with the lengthy process involved in appealing inappropriate decisions.

IJ Deficiencies on Current Standard Survey

	(A)	(B)	(C)	(D)	(E) (B)+(C)+(D)	(F) (E)/(A)*100	(G) (A)/(E)
State	Current Total Surveys # Facilities	Current J	Current K	Current L	Current IJ #	Current IJ Rate (x10 to +2)	Current IJ Per Facility
IL	878	21	5	0	26	2.96	1 in 34
IN	567	14	23	7	44	7.76	1 in 13
MI	443	6	3	1	10	2.26	1 in 44
MN	446	9	6	0	15	3.36	1 in 30
OH	1005	11	23	1	35	3.48	1 in 29
WI	426	4	1	0	5	1.17	1 in 85
IA	473	3	0	0	3	0.63	1 in 158
KS	399	4	2	0	6	1.50	1 in 67
MO	560	15	6	5	26	4.64	1 in 22
NE	241	1	0	0	1	0.41	1 in 241
Consortia	5438	88	69	14	171	3.14	1 in 32
National	17161	231	193	68	492	2.87	1 in 35
Region I	1161	1	1	1	3	0.26	1 in 387
Region II	1031	3	11	6	20	1.94	1 in 52
Region III	1517	6	7	3	16	1.05	1 in 95
Region IV	2784	56	44	8	108	3.88	1 in 26
Region V	3765	65	61	9	135	3.59	1 in 28
Region VI	2379	37	30	17	84	3.53	1 in 28
Region VII	1673	23	8	5	36	2.15	1 in 46
Region VIII	667	0	1	0	1	0.15	1 in 667
Region IX	1648	26	17	13	56	3.40	1 in 29
Region X	536	14	13	6	33	6.16	1 in 16
National	17161	231	193	68	492	2.87	1 in 35

Attachments 2, 3, and 4 could not be scanned due to print quality. The entire letter is available at the Committee's office.

Attachment 5

Facility Name	City	St	Survey Date	S/S
HALLMARK CARE CENTER	ST LOUIS	MO	10/19/98	J
ST ANSGAR GOOD SAMARITAN CENTER	SAINT ANSGAR	IA	10/9/98	J
ST ANSGAR GOOD SAMARITAN CENTER	SAINT ANSGAR	IA	10/9/99	J
3				
BEVERLY REHABILITATION CENTER	PITTSBURG	KS	8/25/99	J
JEFFERSON CO MEM HOSPITAL LTCU	WINCHESTER	KS	12/9/98	K
NINNESCAH MANOR	CLEARWATER	KS	3/31/99	J
PARKWAY HEALTH CARE CENTER	WICHITA	KS	1/27/99	J
4				
BALANCED CARE	NIXA	MO	10/19/98	J
BERNARD CARE CENTER	SAINT LOUIS	MO	3/24/99	J
BERNARD CARE CENTER	SAINT LOUIS	MO	3/24/99	J
BERNARD CARE CENTER	SAINT LOUIS	MO	3/24/99	J
BEVERLY HEATH AND REHAB JEFFERSON CITY	JEFFERSON CITY	MO	8/17/98	J
FAIRFIELD MANOR	NORMANDY	MO	10/5/98	K
GOLDEN AGE NH	BRAYMER	MO	4/30/99	J
GOLDEN AGE NH	BRAYMER	MO	4/30/99	L
HOLDEN MANOR CARE CENTER	HOLDEN	MO	11/12/98	L
LIFE CARE CENTER OF GRANDVIEW	GRANDVIEW	MO	8/5/98	L
MARSHFIELD CARE CENTER, INC	MARSHFIELD	MO	1/30/98	J
MILLER COUNTY N H	TUSCUMBIA	MO	8/19/98	J
MONROE CITY MANOR CARE CENTER	MONROE CITY	MO	2/19/99	K
MONROE CITY MANOR CARE CENTER	MONROE CITY	MO	2/19/99	K
NHC HEALTHCARE, JOPLIN	JOPLIN	MO	9/29/98	J
NHC HEALTHCARE, JOPLIN	JOPLIN	MO	9/29/98	K
NHC HEALTHCARE, JOPLIN	JOPLIN	MO	9/29/98	L
OAKDALE CARE CENTER	POPLAR BLUFF	MO	12/3/98	J
PLEASANT VIEW	ROCK PORT	MO	3/9/99	L
SMITHVIEW MANOR	LAWSON	MO	12/10/98	J
SMITHVIEW MANOR	LAWSON	MO	12/10/98	J
SMITHVIEW MANOR	LAWSON	MO	12/10/98	J
SMITHVIEW MANOR	LAWSON	MO	12/10/98	J
SMITHVIEW MANOR	LAWSON	MO	12/10/98	J
WENTZVILLE PARK CARE CENTER	WENTZVILLE	MO	9/18/98	J
WENTZVILLE PARK CARE CENTER	WENTZVILLE	MO	9/18/98	J
WOODLAND PARK HEALTHCARE CENTER	JOPLIN	MO	5/21/98	J
27				
PARKVIEW HOME INC	DODGE	NE	10/1/98	J
1				

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL # of pages = 1

To: *Erl Carlson* From: *[Signature]*

Dept./Agency: *MHCA* Phone #

Fax # Fax #

ISSN 7540-01-317-7368 5029-101 GENERAL SERVICES ADMINISTRATION

Name	Current Survey Date 11/99	Current Survey Date Oscar 1/14/00	Correct Current Survey Date Division of Aging	Current Survey Date Invalid 11/99 Date Y/N	Oscar 1/14/00 Latest Survey Data Y/N
Holden Manor	11/12/98	11/12/98	4/6/99 6/9/99 8/3/99	Y	N
Fairfield	10/5/98	10/5/98	6/4/99	Y	N
Golden Age	4/30/99	4/30/99	12/99	N	N
Pleasant View	3/9/99	3/9/99	Unknown	N	Unknown
Miller County	8/19/98	8/19/98	8/20/99	Y	N
NIH/Joplin	9/28/98	9/22/99	9/22/99	Y	Y
Woodland Park	5/21/98	6/11/99	6/11/99	Y	Y
Wentzville	9/18/98	9/18/98	8/16/99	Y	N
Balanced Care, Nixa	10/19/98	8/17/99	8/99	Y	Y
Life Care Grandview	8/5/98	8/5/98	12/99	N	N
Beverly - Jeff City	8/17/98	10/21/99	10/21/99	N?	Y
Bernard	3/24/99	3/24/99	Unknown	N	N
Oakdale	12/03/98	12/03/98	Unknown	Unknown	Unknown
Monroe City	2/19/99	2/19/99	Unknown	Unknown	Unknown
Marshfield	1/30/98	2/25/98	2/25/98	Y	Y
Smithview	12/10/98	12/10/98	Unknown	Unknown	Unknown