



LAGNIAPPE

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National Nurses Week is May 6-12



National Nurses Day is celebrated annually on May 6 to raise awareness of the important role nurses play in society. It marks the beginning of National Nurses Week, which ends on May 12, the birthday of Florence Nightingale.

This year's theme for National Nurses Week is "The Balance of Mind, Body and Spirit." "Our focus on improving the health of America's nurses goes beyond self-care," said American Nurses Association (ANA) President Pamela F. Cipriano, PhD, RN, NEA-BC, FAAN. "Every time a

nurse interacts with a patient, he or she has an opportunity to be a role model for good health. And a healthy nurse is more likely to talk to a patient about how to get healthy, and is more credible when promoting those behaviors. That's how nurses can help change the health of America." Thank you to each nurse in the long term care profession. We appreciate the hard work you do each day for the residents you serve.

2017 National Nursing Home Week is Next Week!

National Nursing Home Week® (NNHW) is next week, May 14 to 20, 2017. Skilled nursing facilities will unite under the theme, "The Spirit of America." This theme underscores the bond between staff, volunteers and residents who capture the American spirit.

Don't miss this opportunity to receive some positive, free PR by informing your local press about this event. Click [here](#) to download a sample press release and letter to the editor. This is also a great time to invite your community members and legislators to your facility for a tour. Let them see for themselves that the profession has evolved over the past few decades; this isn't their mother's nursing facility. Your beautiful facilities and passionate caregivers speak volumes!

LNHA Facility Earns Outstanding Achievement



LNHA congratulates Pointe Coupee Healthcare in New Roads for their five-star overall CMS rating. Well done! LNHA appreciates your hard work, compassionate care and unyielding commitment to provide quality services to your community.

If your facility achieves a deficiency-free annual survey or a five-star overall CMS rating and would like to be recognized in the Lagniappe newsletter, contact [Karen Miller](#).

KEPRO Webinar May 24



KEPRO is offering a webinar entitled “The Beneficiary and Family Centered Care Quality Improvement Organization Introductory Webinar” on Wednesday, May 24 from 1-2 p.m. CT. This webinar will present a basic overview of these services as well as an introduction to some provider-based services. Click [here](#) for more information or to register for the webinar.

As you know, KEPRO is the Beneficiary and Family Centered Care QIO (BFCC-QIO) for over 30 states. They offer three services to Medicare and Medicare/Medicaid dual eligible beneficiaries, their families and their healthcare providers: discharge appeals, quality of care complaints and immediate advocacy. If you have any questions, contact [Lisa Stansbury](#).

LNHA Spring Conference Was a Home Run!



We had a ball at this year’s Spring Conference and Trade Show. Thank you to all our members who came to Baton Rouge for the event and helped make it a success! We were pleased to see such high attendance for both attendees and vendors. If you attended the Conference, we would appreciate your feedback via this [short survey](#) if you haven’t done so already. The deadline to submit the survey is **Friday, May 12**. Your input will help us plan and execute future events. Thanks for being on team LNHA!

Lagniappe Legal Corner: Congressional Review Act Disapproval Resolution Process Ends Two Burdensome Employment Laws

OSHA's *Volks* Rule Amendment Revoked. On Monday, April 3, 2017, President Trump signed a Congressional Review Act Resolution, passed by the House on March 1, 2017 and by the Senate on March 22, 2017, that disapproves of the Occupational Safety and Health Administration's (OSHA) attempt, by mere amendment to its regulations, to effectively extend the statute of limitations for recordkeeping violations from six months to five and a half years.

OSHA published an amendment to its regulations in December of 2016, with the intention of ignoring a court decision by the United States Court of Appeals for the District of Columbia in *AKM LLC dba Volks Constructors v. Secretary of Labor*, decided in 2012. That decision held that the six month statute of limitations in the Occupational Safety and Health Act (OSH Act) ran from the failure to record an injury and rejected OSHA's argument that the violation continued until corrected. OSHA's proposed rule would have stated that the duty to have correct logs continued throughout the five year period and that the logs must be retained. OSHA's attempted action was widely seen as a lawless effort to circumvent clear statutory language.

The immediate effect of the President's signature on Congress' joint resolution of disapproval is that OSHA's amendment of its recordkeeping regulations "shall have no force or effect." A longer range effect is that, according to the Congressional Review Act, the regulations "may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued."

Federal Contractor "Blacklisting" Executive Order and Implementing Regulations Disapproved. On March 27, 2017, President Trump signed the Congressional Review Act Resolution (H.J. Res 37), passed by both the Senate and House, invalidating the regulations that implemented President Obama's Fair Pay and Safe Workplaces Executive Order (EO 13673). Also known as the "contractor blacklisting" regulations, the rule was finalized towards the end of the Obama administration and would have required government contractors and subcontractors (including nursing facilities with Veterans Administration contracts) to report alleged, unproven violations of 14 federal labor and employment laws, such as NLRB complaints, for consideration by federal contracting officers in awarding federal contracts, among other onerous requirements. At the same time he signed the resolution, President Trump revoked EO 13673. By signing the CRA resolution, President Trump effectively put an end to the decades-long effort to use the federal procurement process to establish alternative labor law remedies that were not approved by Congress.



A special thanks to Greg Guidry for writing this edition of Lagniappe Legal Corner. Greg Guidry, a management-side labor and employment lawyer with over 35 years of experience, is a shareholder in the Lafayette, Louisiana office of Ogletree Deakins, an international law firm representing employers on labor and employment matters, with over 800 lawyers and 54 offices. Guidry is a member of the firm's health care practice group, and co-chair of the long term care industry group. He has worked with LNHA and its members for decades.

Reminder: "Best Practice" Standards for Nutrition in LTC is Today!

AHCA is offering a webinar on May 11 at 1 p.m. CT about best practice standards for nutrition in long term care. As you know, nutrition plays a critical role in quality of life and care with the aging. Providers are expected to provide current "best practice" with nutrition to include balancing "risk vs benefit" with person-centered care. This session will provide the most current "best practice" recommendations related to nutrition along with resources to assist in implementation at the facility level. The speaker for this webinar is Brenda Richardson, MA, RDN, LD, CD, FAND. Click [here](#) to register for this free webinar.

Objectives:

- Identify current best practice standards with nutrition and aging
- Discuss current best practice standards with nutrition related to malnutrition, wounds, and hydration
- Know available best practice resources to support implementation at the facility level



New Pepper SNF Statistics Now Available



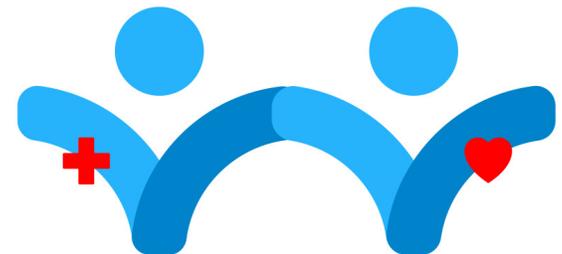
[TMF Health Quality Institute](#) has just released the 2016 Fourth Quarter skilled nursing facility (SNF) Program for Evaluating Payment Patterns Electronic Report (PEPPER) with statistics through September 2016. To obtain your SNF's PEPPER, the Chief Executive Officer (CEO), President, Administrator or Compliance Officer can download this information through the [PEPPER Resources Portal](#).

Recall that the SNF PEPPER is a Microsoft Excel file summarizing provider-specific Medicare data statistics for targeted areas often associated with Medicare improper payments due to billing, DRG coding and/or admission necessity issues. The SNF target areas include: Therapy RUGs with High ADL; Nontherapy RUGs with High ADL; Change of Therapy Assessment; and Ultra High Therapy RUGs. TMF Health Quality Institute (a CMS contractor) tracks those SNFs that have and have not downloaded this important information.

To obtain more information go to the [PEPPER Website](#).



Have a resident success story from your facility or a special event or you'd like to share with LNHA? Email kmiller@lnha.org for a chance to be featured on [LNHA's Facebook page](#), in the Lagniappe newsletter or on the website.



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The Lagniappe newsletter is published twice a month by the Louisiana Nursing Home Association. If you have questions regarding this publication, contact Lagniappe Editor [Karen Miller](#).