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Congrats Five Star Achievers!

The new Five Star Ratings were released on April 10, 2015 and 17 of our members received Five Stars for the overall care they provide to their residents. Among those receiving a Five Star Overall Quality Rating are:

- Audubon Health and Rehab, Thibodaux
- Bayou Chateau Nursing Center, Simmesport
- Claiborne Rehabilitation Center, Homer
- Colonial Nursing Home, Marksville
- DeSoto Retirement and Rehabilitation Center, Mansfield
- Harmony House Nursing and Rehab Center, Shreveport
- John J. Hainkel, Jr. Home and Rehab Center, New Orleans
- Lafourche Home for the Aged, Thibodaux
- Matthews Memorial Health Care Center, Alexandria
- Natchitoches Community Care Center, Natchitoches
- Northridge Care Center, Baker
- Oak Haven Community Care Center, Center Point
- Riverbend Nursing and Rehabilitation, Belle Chase
- Sabine Retirement and Rehab Center, Many
- St. Agnes Healthcare and Rehab, Breaux Bridge
- Valley View Health Care Facility, Marksville
- Village Health Care at the Glen, Shreveport

(cont. page 2)



LNHA & LWC Sign Cooperative Relationship Agreement

Louisiana Nursing Home Association (LNHA) is pleased to announce the signing of a Cooperative Relationship Agreement with the Louisiana Workforce Commission (LWC) / OSHA Consultation. The agreement rekindles a relationship that was established back in 2002, which at the time garnished national attention in the safety community as the largest health care partnership program of its kind in the United States. The new Cooperative Relationship Agreement picks up where the old one left off and seeks to reduce occupational injuries / illnesses by improving workplace safety and health for Louisiana nursing home employees. The program will have a multifaceted approach that will begin with a site audit by an OSHA Consultation Representative and will include educational seminar opportunities and safety resource materials for facility management. (cont. on page 2)

Join the conversation and connect with LNHA today!

LNHA & LWC Sign Cooperative Relationship Agreement (Cont.)



OSHA Consultation Manager Corey S. Gaines, stated “I am excited about the renewed affiliation with LNHA and we have set as a goal a ten percent reduction in OSHA recordable injuries and illnesses in 2015 for those facilities that choose to participate in the program.” Joseph Donchess, Executive Director for LNHA, is enthusiastic, as well, about the cooperative approach to improving workplace safety. “This is a progressive step to improve workplace safety; our members will get free assistance from a trusted authority on occupational safety/health in identifying areas where improvement is needed without the fear of monetary citations. Our resident senior

citizens will benefit from care provided by a better educated and safer staff.” Members of LNHA can contact Risk Management Services, LLC at lossprevention@rmsla.com or at 1-800-351-7475 to register for the program.

Congrats Five Star Achievers (Cont.)

In addition to the 17 members who earned Five Star Ratings, 61 of our members earned Four Star Ratings. Despite the Centers for Medicare and Medicaid Services (CMS) changing the algorithm used to calculate the Star Ratings, Louisiana’s ratings continued to show that quality care is provided to our residents.

Facilities are rated on the last three years of inspections, standard surveys and complaints gathered by trained surveyors from the Louisiana Department of Health and Hospitals. In addition, the staffing rating includes the number of hours of care provided on average to each resident everyday by the nursing staff. Facilities are also rated on eleven different quality measures that reference physical and clinical care measures. In February of this year, CMS added two new quality measures regarding the use of antipsychotic medications in both long-stay term and short-term stay residents. LNHA is especially proud of the seventeen Five Star recipients and commends the administrators and their staffs who have shown a devotion to their residents in providing “five star care.”
Author: KarenSue Zoeller, LNHA Regulatory Director

Did You Know?

LNHA is now offering the member mailout in an email version. Electronic delivery allows us to provide better, faster and more efficient service while going paperless. To receive this monthly informative member mailout, email Karen Miller at kmiller@lnha.org.

LNHA is now posting the weekly Region VI Insider on our website at www.lnha.org under “News and Events.” The tab will be on the left called “CMS Region VI Insider.”



JEREMY D. GOUX
WYNNE, GOUX & LOBELLO
ATTORNEYS AT LAW, LLC



Medical Malpractice
Regulatory Compliance
General Liability
Worker’s Compensation
Facility and Staff Support

410 N. Jefferson Ave.
Covington, LA 70433
(985)898-0504
Fax: (985)898-0840
jgoux@wgllawfirm.com

Electronic Plan of Correction (ePOC) Rollout in LA

DHH Health Standards Section (HSS) has been given the green light from CMS to begin the process of implementing Electronic Plan of Correction (ePOC) in our State. The ePOC system provides a convenient, centralized workplace, which enables CMS and the State Survey Agency (SSA) to electronically manage and track POCs for ePOC enrolled health care providers under their oversight. Through this system, providers will receive the 2567 and submit the Plan of Correction electronically. To enhance communication and monitor timeliness, automated email notification is provided to specified SSA and facility recipients as needed throughout the ePOC life cycle.

The HSS action plan for statewide implementation includes a 3 phase process. Phase 1 is the training aspect (now available online), Phase 2 is the application and enrollment process (projected for mid-June, 2015), and the actual implementation begins in Phase 3 (projected for mid-June, 2015).

During the training phase, HSS is working to get the ePOC word out and encouraging providers to view the online training. An email was sent to all LA nursing homes explaining the rollout process and included the training instructions. An ePOC link has been posted on the HSS website [here](#). The ePOC link is posted in red and can be found by scrolling to the bottom of the nursing home page. This page will contain resource information. As the rollout continues, a Question and Answer page will be added, and updates will be provided. ePOC questions can be emailed to HSS at HSS.LTC@la.gov.

HSS nursing facility program staff, Margie Huguet, Chris Vincent and Rebecca Varner, will be working with providers on this project. An informational session will be presented on May 6 at the LNHA Spring Conference. This presentation will be posted on the [HSS website](#).

CMS highly encourages all nursing home providers to come onboard with ePOC. Get started today by completing the [CMS online training](#)! *Author: Margaret Huguet, Long Term Care Supervisor, DHH Health Standards Section*

Note: Questions have arisen regarding a "minimum standard of acuity." Board member Jeremy Goux suggested that this S&C memo might provide some insight. Read the full memo [here](#).

Let's Talk About Safety -- Fire Watch



Fires take a huge toll on the businesses and families in the United States. In 2013, there were 1,240,000 reported fires causing 3,240 civilian deaths. According to the Louisiana State Fire Marshal's Office, "a small trash can fire can become a room engulfing inferno within three minutes."

In 2002, a requirement was added to Louisiana's Life Safety Code mandating that facilities implement an approved fire watch safety program in accordance with the State Fire Marshal's Guidelines. The mandate includes fire alarm systems, automatic sprinkler systems or generators that are not operational. If the system(s) remain down for more than 12 hours, the administrator must notify the Fire Marshal and initiate a fire watch within the facility. Fire watch personnel must

be familiar with all parts of the facility and the facility's emergency action plan. As part of their in-house training they should know "when and how to use radio equipment and private and public alarm boxes to summon aid, how to notify the respective fire departments or other emergency response organizations and the personnel to be contacted." As fire watch personnel complete their rounds of the building(s), spaces, concealed areas (attics, storage areas, etc.) each member must sign a log sheet that is maintained in the administrator's office.

Administrators are responsible for developing each route to be covered which must then be approved by the Fire Marshal. According to the Fire Marshal's Office, there is no set number of individuals required as fire watchers. Rather, this will be determined by the number of individuals required to ensure full coverage for the facility.

The Louisiana State Fire Marshal's Office, in coordination with the Louisiana Department of Health and Hospitals, ESF-8 and the Louisiana Nursing Home Association, has developed an online training course available through the Fire Marshal's website. The online training course, the log book and the application for certification can be found [here](#). Questions concerning the Fire Watch Registry may be directed to Stacy Rand at 225.925.4270.



Register Today for LNHA's 2015 Spring Conference

The 2015 LNHA Annual Spring Conference will be on May 4-6, 2015 at the Crowne Plaza in Baton Rouge. This year's theme is "satisfying the soul." What are the basics to satisfying your soul? Love, comfort, warmth and peace. We live in such a high-speed society that we forget the core of our being. We are constantly on media overload and forget the basics. In our industry, we have the unique opportunity to give back to our elders and "satisfy their souls" by creating the feeling of compassion and love from their own sense of "home". The smell of mom's cooking, the hand holding to connect during conversation, the songs they sang at home. It's about making the heart happy. And for us as professionals, satisfying the soul means that we have mastered meeting our residents' personal and individual needs!

To register, visit our online registration calendar at www.lnha.org. View the brochure [here](#) for more information including CEUs, special hotel rates, and an itinerary.



Speak the language of Familia, Vida and Amor during National Nursing Home Week 2015!

Imagine an event that brings the long-term care (LTC) community of residents, rehab patients, families and facility staff together for a weeklong festival in 2015. In fact, let's plan on a weeklong bash in May, starting on Mother's Day. Think of all the fun your LTC community can have, which is precisely why the American Health Care Association (AHCA) will designate National Nursing Home Week (NNHW), May 10 to 17, 2015, as "Bring on the Fiesta!" week.

Make it a special time of entertainment and education for all while focusing on bringing to life the subtheme of "Familia, Vida and Amor" (family, life, love). Show how your facility, as part of culture change, brings these vital attributes of quality care to the forefront, irrespective of anyone's age or physical or intellectual ability. Try to weave into your Fiesta! We see this as an opportunity to entice in new guests, infrequent visitors and local VIPs to realize and appreciate the importance of a kind word, a personal touch and being connected to the resident. So, BRING ON THE FIESTA! for all to enjoy the chance to whoop it up, enjoying the crowds, the activities, the comradery and the feelings engendered by Family, Life, Love (Familia, Vida, Amor). Learn more [here](#) at the National Nursing Home Week webpage.

Quality Forum, Aledade Inc. Join Forces To Create Louisiana ACO

The Louisiana Health Care Quality Forum has partnered with a Maryland-based company to help primary care providers in the state develop an accountable care organization (ACO). Aledade Inc. and the Quality Forum plan to recruit a group of physicians from across the state to lead the ACO. Aledade says through its partnership with the Quality Forum, the new ACO will be able to provide physicians with in-person support throughout the setup process and during its operation. The company will also work to ensure all participating doctors meet necessary ACO and meaningful use standards. To learn more about Aledade, click [here](#).

NLRB's New "Ambush Election" Rules Go into Effect: Is Your Organization Ready?

On April 14, 2015, after a four-year battle, the National Labor Relations Board's (NLRB) final "[ambush election](#)" rules, which will dramatically shorten the time between requests for a vote and a union election, go into effect. The controversial new rules will significantly alter the timing of union representation elections supervised by the NLRB and will tilt the elections in unions' favor. The rules also strip employers of a number of rights related to the representation case process.

The new rules, which give employers less time to effectively communicate with employees about unions and unionization, will make it easier for unions to successfully organize. In December of 2014, when the NLRB first implemented the new representation-case rules, we provided an overview of the most significant changes that the new rules will bring. Among these are

The New Election Process

The Accelerated Election Process. Most union representation elections will likely be held in a range from 10 to 21 days after a petition has been filed.

Voter Eligibility Issues. Under the new rules, most disputes over voter eligibility and inclusion or exclusion into a bargaining unit will be resolved after the election.

Expedited Hearings. The new rules drastically reduce the number of pre-election hearings. In addition, all pre-election hearings must begin just eight calendar days after the date a hearing notice is issued.

Burdensome "Statement of Position" Requirements. During the period between a petition being filed and a hearing being held, employers are required to research and file a detailed legal position statement addressing issues such as exclusions from the bargaining unit; the appropriateness of the unit; and the proposed date, time, and place of the election. Employers must now file this "Statement of Position" by noon on the day before the hearing begins. The Statement of Position must include a list of prospective voters with their names, job classifications, work shifts, and work locations. All issues not raised in the Statement of Positions will be waived.

Limited Scope of Hearings. NLRB Regional Directors will be vested with discretion to limit the scope of pre-election hearings, by excluding evidence on voter eligibility and delaying the resolution of those issues until after the election.

Employees' Contact Information. Employers must provide unions, within two business days of the election agreement or decision directing an election, their employees' personal telephone numbers and personal email addresses. Specifically, employers seeking a pre-election hearing must provide unions with (1) a list of all employees in the challenged, petitioned-for bargaining unit; and (2) a list of all employees in the unit that the employer contends is appropriate. Two business days after the unit issue is decided, employers are required to electronically provide the union with a list including each employee's name, home address, telephone number, email address, work location, shift, and job classification.

Practical Effect of the New "Ambush" Rules

The new rules reduce the time from the union's filing of a petition until the date of the election to as little as 10 to 21 days (as compared with the current median time of 38 days), depending on whether the union waives its rights to receive an expanded list of employee contact information within 10 days before the election date. The rules require the direction and scheduling of the election "as soon as possible." The "quickie" election date will prevent employers from effectively communicating with their employees prior to the election and will deprive employees of being fully informed prior to voting.

In addition, the new rules will leave undecided until after the election such critical questions as supervisory status and eligibility to vote. (cont. on page 6)

Also, these "quickie" elections will be further complicated in connection with the Board's approval of small, fractured bargaining units based on a union's ability to organize, unless the employer proves an "overwhelming community of interests" with the excluded employees, stemming from the Board's [Specialty Healthcare](#) decision. The elections will also be further stacked in the union's favor because of the Board's [Purple Communications](#) decision as a result of which employees now have the ability to campaign before a petition is filed with the use of employers' email systems. The combination of these decisions affecting the filing of the petition and the scheduling of the "quickie" election will, in effect, "ambush" employers.

Strategies for Employers

Employers wishing to remain union-free should take the following steps:

- Review our [attached legal checklist](#) for representation hearings.
- Determine which employees meet the NLRB test for supervisor status and train those individuals on how to detect and react to a union campaign.
- Develop appropriate campaign material in advance of a petition being filed.
- Identify and train a management response team to work with counsel in developing effective communications with employees.
- Prepare a draft campaign calendar that fits within the 10 to 21 day time period for elections.
- Educate employees on the company's position on unions and unionization.
- Conduct vulnerability assessments at select or at-risk locations.
- Analyze bargaining unit issues at select or at-risk locations.
- Prepare an outline for the required NLRB position statement and collect supporting exhibits.
- Review handbooks and personnel policies to ensure NLRB compliance and avoid a rerun election.

Congressional Actions

Efforts to block the "ambush election" rules through the Congressional Review Act succeeded in resolutions before both houses of Congress, passing the House in a 232-to-186 vote and the Senate by a vote of 53-to-46.) President Obama exercised a "pocket veto" by refusing to sign the resolution of disapproval. It is unlikely that there are enough congressional votes to override the president's veto.

Legislation to overturn the new rules, and appropriations riders to stop funding that will be used to enforce the new rules, will likely be vetoed as well.

Pending Litigation

Two lawsuits challenging the new rules are pending on motions for summary judgment before the U.S. District Court for the District of Columbia (Chamber of Commerce v. NLRB) and the U.S. District Court for the Western District of Texas (ABC of Texas v. NLRB). A hearing on the summary judgment motion is scheduled in the Texas case for April 24, 2015, and a decision from the judge in the District of Columbia case is expected in the near future.

Harold P. Coxson is a principal with Ogletree Governmental Affairs, Inc. and a shareholder in the Washington, D.C. office of Ogletree Deakins. C. Thomas (Tom) Davis is a shareholder in the Nashville office of Ogletree Deakins, and he chairs the firm's Traditional Labor Relations Practice Group. Eric C. Stuart is a shareholder in Morristown office of Ogletree Deakins and a member of the firm's Traditional Labor Practice Group steering committee. NOTE: This article was published in the April 14, 2015, issue of the [National eAuthority](#). Authors: Harold P. Coxson, C. Thomas (Tom) Davis, and Eric C. Stuart For more information, contact Greg Guidry at greg.guidry@ogletreedeakins.com or at 337.769.6583.

LNHA's Upcoming Events and Save the Dates!



New events have been added to the [News and Events web page](#) and to the e-calendar. Check the website today to view the flyer and agenda for upcoming trainings. To register for an event, visit www.lnha.org and click the calendar icon on the home page and select the appropriate event.

UPCOMING EVENTS:

- May 5-6: LNHA Spring Conference, Baton Rouge
- June 11 (Marksville) and June 12 (Port Allen): Spotlight on Emergency Preparedness
- June 25-26: Social Service Director Workshop, Baton Rouge

SAVE THE DATES:

- Summer 2015: ICD-10
- September 21-23: Annual Convention and Trade Show

Follow LNHA on your social media sites for the latest in news and updates!



The *Lagniappe* newsletter is published twice a month by the Louisiana Nursing Home Association, 7844 Office Park Blvd., Baton Rouge, LA 70809, 225.927.5642. *Lagniappe* is provided as a membership benefit. Executive Director: Joseph Donchess; Communications Director: [Karen Miller](#).