



April 12, 2004

Report Number: A-04-04-04003

James L. Jarrett, Administrator
Dublinair Health Care and Rehabilitation Center
300 Industrial Boulevard
Dublin, Georgia 31040

Dear Mr. Jarrett:

This Office of Inspector General (OIG) report provides the results of our review of the *Effect of Staffing on Quality of Care at Nursing Facilities – Dublinair Health Care and Rehabilitation Center*. Dublinair Health Care and Rehabilitation Center (Dublinair) is a 149 bed nursing facility located in Dublin, Georgia.

The scope and objective of this review encompassed only certain specific requirements of the Federal and State staffing regulations. This review did not assess the general requirement of 42 Code of Federal Regulations (CFR) 483.30 that: “The facility must have sufficient nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care” Rather, it assessed compliance with the staffing requirements stated in 42 CFR Section 483.30 (b):

- (1) . . . the facility must use the services of a registered nurse for at least 8 consecutive hours a day, 7 days a week.
- (2) . . . the facility must designate a registered nurse to serve as the director of nursing on a full time basis.
- (3) . . . the director of nursing may serve as a charge nurse only when the facility has an average occupancy of 60 or fewer residents.

Georgia adds additional requirements to the Federal staffing requirements concerning hours of direct care and employee background checks.

Based on our review of 100 current direct care employees, we found that Dublinair complied with the specific Federal and State staffing laws and regulations that we reviewed. Further, Dublinair complied with the State background check requirement for all current direct care employees. However, we noted differences in the direct care hours per resident per day that we calculated and the hours of care reported in the Nursing Home Compare website. We recommend that Dublinair establish a control to independently confirm the validity of the direct care hours that are provided to the Georgia State Survey Agency for input into the Nursing Home Compare Web site.

In a written response to our draft report, the Dublinair Administrator agreed with our finding and recommendation and stated that in the future the number reported to the State Survey Agency will be taken directly from the facility's computerized payroll records and that the records will be produced at the time of the survey and maintained in the facility's records for future reference.

Final determination as to actions taken on all matters reported will be made by the Department of Health and Human Services (HHS) action official name below. We request that you respond to the HHS action official within 30 days from the date of this letter. Your response should present any comments or additional information that you believe may have a bearing on the final determination.

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* * * * *

To facilitate identification, please refer to Report Number A-04-04-04003 in all correspondence related to this letter.

Sincerely,



Charles J. Curtis
Regional Inspector General
for Audit Services, Region IV

Enclosure – as stated

Direct Reply to HHS Action Official:

Rose Crum-Johnson, Regional Administrator
Centers for Medicare and Medicaid Services
61 Forsyth Street, S.W., Suite 4T20
Atlanta, Georgia 30303-8909

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**EFFECT OF STAFFING ON QUALITY
OF CARE AT NURSING FACILITIES –
DUBLINAIR HEALTH CARE AND
REHABILITATION CENTER**



Inspector General

**APRIL 2004
A-04-04-04003**

Office of Inspector General

<http://oig.hhs.gov>

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OAS FINDINGS AND OPINIONS

The designation of financial or management practices as questionable or a recommendation for the disallowance of costs incurred or claimed, as well as other conclusions and recommendations in this report, represent the findings and opinions of the HHS/OIG/OAS. Authorized officials of the HHS divisions will make final determination on these matters.





April 12, 2004

Report Number: A-04-04-04003

James L. Jarrett, Administrator
Dublinair Health Care and Rehabilitation Center
300 Industrial Boulevard
Dublin, Georgia 31040

Dear Mr. Jarrett:

This Office of Inspector General (OIG) draft report provides the results of our review of the *Effect of Staffing on Quality of Care at Nursing Facilities – Dublinair Health Care and Rehabilitation Center* (Dublinair). Dublinair is a 149 bed nursing facility located in Dublin, Georgia.

The scope and objective of this review encompassed only certain specific requirements of the Federal and State staffing regulations. This review did not assess the general requirement of 42 Code of Federal Regulations (CFR), Section 483.30 that: “The facility must have sufficient nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care” Rather, it assessed compliance with the staffing requirements stated in 42 CFR, Section 483.30 (b):

- (1) . . . the facility must use the services of a registered nurse for at least 8 consecutive hours a day, 7 days a week.
- (2) . . . the facility must designate a registered nurse to serve as the director of nursing on a full time basis.
- (3) . . . the director of nursing may serve as a charge nurse only when the facility has an average occupancy of 60 or fewer residents.

Georgia adds additional requirements to the Federal staffing requirements concerning hours of direct care and employee background checks.

Based on our review of 100 current direct care employees¹, we found that Dublinair complied with the Federal and State staffing laws and regulations that we reviewed. Further, Dublinair complied with the State background check requirement for all current direct care employees. However, we noted differences in the direct care hours per resident per day that we calculated and the hours of care reported in the Nursing Home Compare web site. We recommend that Dublinair establish a control to independently confirm the validity of the direct care hours that are provided to the Georgia State Survey Agency (Survey Agency) for input into the Nursing Home Compare web site.

¹ Direct care employees are any nursing staff who are eligible to provide direct care to the residents.

In a written response to our draft report, the Dublinair Administrator agreed with our finding and recommendation and stated that in the future the number reported to the Survey Agency will be taken directly from the facility's computerized payroll records and that the records will be produced at the time of the survey and maintained in the facility's records for future reference. We have included the entire text of Dublinair's comments as an appendix to our report.

INTRODUCTION

BACKGROUND

The Omnibus Budget Reconciliation Act of 1987 established legislative reforms to promote quality of care in nursing homes. This act requires nursing homes to have sufficient nursing staff to provide nursing and related services "to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident."

Title 42, CFR, Section 483.30 (b) requires nursing homes to provide sufficient nursing staff on a 24-hour basis. Sufficient nursing staff must consist of licensed nurses and other nursing personnel and include: (1) a licensed nurse designated "to serve as a charge nurse on each tour of duty," (2) "a registered nurse for at least 8 consecutive hours a day, 7 days a week," and (3) a registered nurse designated "to serve as director of nursing on a full time basis. The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of 60 or fewer residents."

As part of the survey and certification process, the Survey Agency is required to conduct periodic standard surveys of every nursing home in the State. Through this process the Survey Agency measures the quality of care at each nursing home by identifying deficiencies and assuring compliance with Federal and State requirements. At the conclusion of its review, the Survey Agency posts its results, including direct care staffing data, to the Nursing Home Compare web site. This computer-generated information is made available to the general public.

At a minimum, States are required to ensure that nursing homes follow these Federal staffing standards. Each State may also implement its own staffing requirements that exceed these standards. Georgia has established staffing requirements that exceed the Federal standards.

The Rules and Regulations of the State of Georgia at Chapter 290-5-8-.04, Nursing Service (1), includes the additional requirement that the Director of Nursing (Director) must not also be the administrator.

In addition, Part II, Policies and Procedures for Nursing Facility Services, of the Georgia Department of Community Health, Division of Medical Assistance, adds the following Medicaid staffing requirement:

“Level I and Level II² nursing facilities are required to provide a minimum of 2.5 nursing hours (actual working hours) per patient day. In addition to the minimum requirement, nursing facilities must also comply with all provisions of 42 [Code of Federal Regulations], Section 483.30.”

Further, regarding employees hired since July 1, 1995, the Code of Georgia states at 31-7-351:

“Prior to hiring an employment applicant, each nursing home shall request a criminal record check from GCIC [Georgia Crime Information Center] to determine whether the applicant has a criminal record. A nursing home shall make a written determination for each applicant for whom a criminal record check is performed. A nursing home shall not employ a person with an unsatisfactory determination.”

The Rules and Regulations of the State of Georgia, Chapter 290-5-8-.03 (4) requires a facility to maintain a separate personnel folder for each employee containing all personal information concerning the employee.

OBJECTIVE, SCOPE, AND METHODOLOGY

The objective of our review encompassed only certain specific requirements of the Federal and State staffing regulations. This review did not assess the general requirement of 42 CFR 483.30 that: “The facility must have sufficient nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care” Rather, it assessed compliance with the staffing requirements stated in 42 CFR, Section 483.30 (b):

- (1) . . . the facility must use the services of a registered nurse for at least 8 consecutive hours a day, 7 days a week.
- (2) . . . the facility must designate a registered nurse to serve as the director of nursing on a full time basis.
- (3) . . . the director of nursing may serve as a charge nurse only when the facility has an average occupancy of 60 or fewer residents.

² A Level I nursing facility is an Intermediate Care Facility which primarily provides health-related care and services above the level of custodial care to mentally retarded individuals but does not provide the level of care available in a hospital or skilled nursing facility. A Level II nursing facility is a Skilled Nursing Facility which primarily provides inpatient skilled nursing care and related services to patients who require medical, nursing, or rehabilitative services but does not provide the level of care or treatment available in a hospital.

We also looked at compliance with Georgia State regulations concerning hours of direct care and employee background checks.

Based on analysis of data from the Centers for Medicare & Medicaid Services's (CMS's) Online Survey Certification and Reporting System, we selected a sample of nursing facilities for review, including Dublinair.

To accomplish our objective we:

- Obtained data for Dublinair from CMS's Nursing Home Compare web site which we reviewed for background, staffing and deficiency information.
- Reviewed Federal and Georgia State laws and regulations for nursing homes to determine the staffing standards Dublinair was required to adhere to.
- Obtained staffing schedules and payroll records to determine the facility's direct care hours per resident per day as well as the employee-to-resident ratio for three 2-week periods.
- Obtained verification of licensure and certification for all direct care employees to assure that the facility adheres to Federal and State requirements.
- Conducted inquiries through Georgia's on-line license and certification system to determine if all direct care employees were in good standing.
- Reviewed the survey and certification process at the Survey Agency and analyzed the results of the two most recent standard surveys conducted at Dublinair to identify deficiencies and causes.
- Met with the administrator of the facility to obtain an understanding of Dublinair's policies and procedures for recruiting and retaining staff.

Our review was conducted in accordance with generally accepted government auditing standards. Our review of internal controls was limited to obtaining an understanding of the controls concerning the hiring and scheduling of employees. The objective of our review did not require an understanding or assessment of the complete internal control structure at Dublinair.

We performed our review at Dublinair, the OIG Birmingham Field Office, and the OIG Atlanta Regional Office from May 2003 through December 2003. Our review covered a 2-year period from January 1, 2001 through December 31, 2002.

We reviewed the results of the two most recent standard surveys preceding our audit. These surveys were performed by the Survey Agency during August 2001 and October 2002. In addition, we reviewed the information, such as hours of care, for the same periods of time as the surveys and for March 2002, which was a mid-point between the last

two surveys. We also reviewed other information pertaining to Dublinair that was current as of May 2003.

We issued a draft report to Dublinair on January 30, 2004 and invited them to comment on the finding and recommendation in the report. We have summarized Dublinair's comments after the findings and recommendations and included the entire text of their comments as an appendix.

FINDINGS AND RECOMMENDATIONS

Dublinair was in compliance with the Federal regulations and Georgia State staffing laws and regulations that we reviewed. For three selected 2-week periods, we determined that Dublinair scheduled its direct care employees in compliance with Federal staffing standards. We also determined that Dublinair scheduled sufficient direct care employees to comply with the Medicaid requirement of 2.5 nursing hours per patient day. All 100 current direct care employees at Dublinair were properly licensed or certified and were currently in good standing as determined by the State. Further, Dublinair complied with the State background check requirement for all current direct care employees. However, we found differences in the direct hours of care that we calculated and the hours of care reported in the Nursing Home Compare web site. We recommend that Dublinair establish a control to independently confirm the validity of the direct care hours that are provided to the Survey Agency for input into the Nursing Home Compare web site.

Compliance with Federal and State Laws and Regulations

The Federal regulations discuss what nursing staff criteria nursing homes must meet to participate in the Medicare and Medicaid programs. Basically, Title 42, CFR, Section 483.30 requires three elements to be met for a facility to be considered as having sufficient staffing:

- Licensed nurse designated “to serve as a charge nurse on each tour of duty”
- “a registered nurse for at least 8 consecutive hours a day, 7 days a week”
- a registered nurse designated “to serve as director of nursing on a full time basis. The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of 60 or fewer residents.”

Georgia adds additional requirements to the Federal staffing requirements:

- The Director must not also be the administrator.
- The facility must provide at least 2.5 hours of direct care per day per resident.

We determined that Dublinair, which was a 149 bed nursing facility, was in compliance with the 5 elements of the Federal and State regulations for three 2-week periods we tested. During the three 2-week periods occurring in August 2001, March 2002, and October 2002, we determined that a charge nurse was assigned for each 8-hour shift. We also determined that the facility had at least one Registered Nurse (RN) for at least 8 consecutive hours per day for each 7-day period. We then determined that an RN was designated to serve as the Director and was also different from the charge nurse. We also determined that the facility had a Director that was not also the administrator. Finally, we were able to determine that the facility provided at least 2.5 hours of direct care per day per resident of direct care. The following table illustrates Dublinair’s compliance with the regulations:

Federal and State Staffing Requirements	August 2001	March 2002	October 2002
Charge nurse assigned for each 8-hour shift	Yes	Yes	Yes
At least 1 RN 8 hours/day for each 7-day period	Yes	Yes	Yes
Director different from the charge nurse	Yes	Yes	Yes
Director different from the Administrator	Yes	Yes	Yes
At least 2.5 hours of direct care per day per resident	Yes	Yes	Yes

At the time of our review, Dublinair had 100 direct care staff. We verified that all RNs and Licensed Practical Nurses (LPN) had a current license and that all Certified Nursing Assistants (CNA) at Dublinair had a current certificate. We also verified the licenses of the RNs and LPNs and the certifications of CNAs online. The staffing allocations for nurses and assistants of the direct care staff as well as the licensure and certification standings were:

	RN	LPN	CNA
Current License	7 – Yes	24 – Yes	N/A
Current Certification	N/A	N/A	69 – Yes
Good Standing on State Nurse Registry	7 – Yes	24 – Yes	69 – Yes

Based on the results of our review, Dublinair met the critical elements of the Federal and State regulations. Therefore, we concluded that the facility was in compliance with these Federal and State requirements that we reviewed.

Complete Background Checks

Effective July 1, 1995, Section 31-7-351 of the Code of Georgia requires all nursing homes prior to hiring staff:

- To perform a criminal record search for each applicant
- To record in writing that such a search was made
- Not to employ persons who have criminal records

Dublinair provided evidence of background checks as required by the Code of Georgia for all current direct care employees.

Differences Between the Nursing Home Compare Web Site and OIG Calculations

Dublinair prepares a Facility Staffing form (CMS-671) and a Resident Conditions and Census form (CMS-672) for each survey period. The Survey Agency then inputs information on direct care hours shown on these forms into the Nursing Home Compare web site. Key data regarding Dublinair and other public nursing facilities is accessible by computer on the Nursing Home Compare web site.

There should be agreement between the direct care hours shown in the official nursing daily hour records and the information made available to the general public. While we determined that the information contained in the forms agreed with the information in the web site, we found differences in the hours in the web site and the hours that we calculated relying on information for the same period furnished by the facility.

We calculated the direct care hours for the survey period, October 2002, using the CMS-671 and the CMS-672. The 3.28 direct care hours we calculated using the CMS-671 and CMS-672 materially agreed with the hours on the Nursing Home Compare web site that showed 3.27 hours. Although these numbers materially agreed, we noted differences in the direct care hours that we calculated using the staff schedules and payroll records when compared to the direct care hours reported on the Nursing Home Compare web site.

Based on staff schedules and payroll records provided by Dublinair, we determined that Dublinair provided 2.91 direct care hours during the time of the Georgia State Agency's October 2002 survey. The 2.91 direct care hours we calculated using facility data was less than the 3.27 hours shown in the Nursing Home Compare web site for the same time period – a difference of .36 direct care hours per resident per day or 11 percent. We also noted that the 2.91 hours of direct care is less than the nationwide average of 3.9 hours and the Georgia Statewide average of 3.5 hours, both as of December 2002.

	OIG Calculation	CMS-671 and CMS-672	Nursing Home Compare web site
October 2002	2.91	3.28	3.27

The direct care hours shown in the official nursing home daily hours records and the information made available to the general public did not agree. We believe this discrepancy occurred because the Dublinair facility did not have a control to assure that the data reported to the Georgia State Survey Agency and input into the Nursing Home Compare web site agreed with the actual direct care hours.

We recommend that Dublinair establish a control to independently confirm the validity of the direct care hours that are provided to the Survey Agency for input into the Nursing Home Compare web site.

299-004-10-02

Comments by the Dublinair Administrator

In a written response to our draft report, the Dublinair Administrator agreed with our finding and recommendation and stated that in the future the number reported to the Survey Agency will be taken directly from the facility's computerized payroll records and that the records will be produced at the time of the survey and maintained in the facility's records for future reference. We have included the entire text of Dublinair's comments as an appendix to our report.

OIG Comments

We concur with the actions that Dublinair plans to take with respect to the recommendation in our report.

* * * * *

To facilitate identification, please refer to Report Number A-04-04-04003 in all correspondence related to this letter.

Sincerely,



Charles J. Curtis
Regional Inspector General
for Audit Services, Region IV

Enclosure

APPENDIX



Dublinair

Health Care & Rehabilitation Center

March 16, 2004

Charles J. Curtis, Regional Inspector General for Audit Services, Region IV
Office of Inspector General, Office of Audit Services, Region IV
61 Forsyth Street, S.W. , Suite 3T41
Atlanta, Georgia 30303

Re: Report Number A-04-04-04003

Dear Mr. Curtis:

This letter is written in response to the draft report which your office provided of *The Effect of Staffing on Quality of Care at Nursing Facilities-Dublinair Health Care and Rehabilitation Center*.

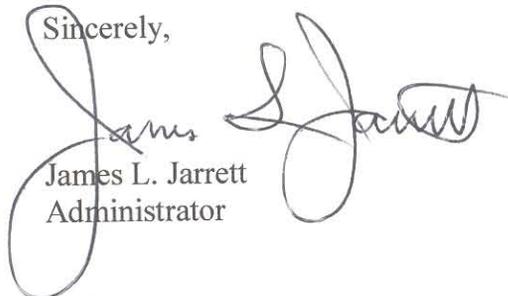
The report noted that Dublinair complied with Federal and State staffing laws and regulations, and that the facility complied with the State background check requirements for direct care employees. The report did find differences in direct care hours per resident day compared to the Nursing Home Compare website and recommended that the facility establish a control to independently confirm the hours provided to the Georgia State Survey Agency for input into the Nursing Home Compare Website.

We have reviewed the findings and agree that a control be instituted. In the future, the number reported to the State Agency will be taken directly from the facility's computerized payroll records. The records will be produced at time of survey and maintained in facility records for future reference.

We appreciate the opportunity to be part of this study and contribute to the overall improvement of care in long term care facilities.

If you need additional information or comments, please contact me.

Sincerely,


 James L. Jarrett
 Administrator

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ACKNOWLEDGMENTS

This report was prepared under the direction of Charles J. Curtis, Regional Inspector General for Audit Services, Atlanta. Other principal Office of Audit Services staff who contributed include:

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Martyne Hough, *Auditor*

Keith Gore, *Auditor*

Janet Mosley, *Referencer*

For information or copies of this report, please contact the Office of Inspector General's Public Affairs office at (202) 619-1343.