

# Preventable Serious Adverse Events (PSAE) Webinar

September 25, 2014

# Welcome & Introductions

## Presenters:

**Dr. Kenneth J. Brubaker**

Medical Officer, OLTL

**Michael Luckovich**

OLTL Director, Division of Provider and Operations Management

**Richard Stanisic**

OLTL Section Chief, Operations Management

**Judith Patrick**

OLTL Policy Manager, Division of Regulatory Management

# Agenda

Housekeeping

Introduction/Background

PSAEs

Reporting

Claims

Review & Determination Process

Appeals/Adjustments

# The Preventable Serious Adverse Events Act of 2009

The PSAE bulletin was directed by the Act of June 10, 2009, P.L. 1, No. 1, codified at, 35 P.S. §§ 449.91-449.97 (“Act 1”).

The final PSAE bulletin was published in the *Pennsylvania Bulletin* on September 13, 2014.

The effective date is October 1, 2014.

# The Nursing Facility PSAE Bulletin

- This bulletin applies to MA-enrolled county and non-public (including hospital-based and special rehabilitation) nursing facilities (NFs).
- The bulletin sets forth guidance for purposes of NF compliance with the PSAE Act of 2009 and the relevant federal regulations at 42 CFR § 447.26 as it relates to the MA Program.

# What is a PSAE?

Is an event listed in Appendix A of the bulletin a PSAE?

An event listed in Appendix A is a PSAE if:

- The event was preventable **AND**
- The event was serious **AND**
- The event was within the control of the NF **AND**
- The event occurred as a result of an error or other system failure within the NF.

**All criteria must be met for an event to be a PSAE!**

# What is a PSAE?

1. The event was preventable. To be preventable, the event could have been anticipated and prepared for, but, nonetheless, occurred because of an error or other system failure.
2. The event was serious. The event is serious if the event subsequently results in death or loss of body part, disfigurement, disability or loss of bodily function lasting more than seven days or still present at the time of discharge from a NF.
3. The event was within the control of the NF. Control means that the NF had the power to avoid the error or other system failure.
4. The event is the result of an error or other system failure within the NF.

# What is a PSAE?

If an event listed in Appendix A occurs in a NF, the NF must independently determine whether the event satisfies the PSAE criteria.

# It's not a PSAE, now what?

If the NF determines the event is not a PSAE...

The NF shall document the determination as other quality review decisions are recorded.

No reporting to the OLTL's PSAE coordinator is required.

# It's a PSAE, now what?

If the NF determines the event is a PSAE...

The NF shall report the PSAE to the Department's PSAE coordinator.

- The PSAE Provider Reporting Guide details the information needed to report a PSAE and is available on the Department's website.
- The PSAE reporting packet may be mailed or encrypted and emailed.
- Telephone assistance will be available.

# It's a PSAE, now what?

If the NF determines the event is a PSAE...

In addition to reporting PSAEs to the PSAE coordinator, the NF may not seek payment for PSAEs or corrective services.

The bulletin provides minimum claims guidelines.

# Claims

Minimum claims guidelines provided for a PSAE are as follows:

- No per diem payment for the day of the event.
- Record the day of the event as a non-covered day on resident census.
- Record the day of the event as private pay and other day on the quarterly Resident Day Reporting Form (RDR Form).

If these minimum claims guidelines do not accurately reflect the payment for the PSAE, the NF must notify the PSAE coordinator and make appropriate adjustments.

# Claims

In addition to reporting other appropriate diagnosis codes on claims, the NF must also report the special PSAE **ICD-9 Code E849.7** (Accidents Occurring in a Residential Setting).

Note: When completing claim diagnosis code fields do not use a decimal point.

- For paper claims on the UB04, under Other Diagnosis Codes.
- For Internet billing, in the Emergency Code Field.
- For the 837-Institutional transaction obtain direction from your Clearinghouse or application developer.

Please refer to the PROMISE provider handbook and billing guide for nonpublic and county NFs.

# Claims

Minimum claims guidelines provided for services to correct or treat a PSAE are as follows:

- No payment for hospital reserve bed days.
  - Record the days as non-covered days on resident census.
  - Record the days as private pay and other day on the quarterly RDR Form.
- No exceptional durable medical equipment grant.
  - Report costs as nonallowable on cost report.

If these minimum claims guidelines do not accurately reflect the extent of the services required to correct or treat a PSAE, the NF must notify the PSAE coordinator and make appropriate adjustments.

# Review & Determination Process

A detailed chart of the review and determination process is available on the Department's website.

- DPW/OLTL Medical Director Review: If a PSAE is ruled out by the Medical Director, review at this level is final.
- DPW Physician Roundtable Review: All cases that are considered PSAEs by the Medical Director are reviewed. A second review is provided if the NF does not agree with the decision; the second review must be requested within 10 business days of the date on DPW's notification relating to the first roundtable decision.
- Telephone Discussion Between NF Medical Director and OLTL Medical Director: Offered after first roundtable review if NF not in agreement with decision.

# Appeals

If the NF disagrees with DPW's final PSAE determination, it may file an appeal to the Bureau of Hearings and Appeals within 33 days of the date of the final notification letter.

# Adjustments

Claim adjustments/refunds will be necessary if the facility has mistakenly billed for PSAE non-covered days. This should occur within 30 days of discovery or payment, whichever is later. PSAE adjustment claims should also be annotated with the special PSAE ICD-9 code E849.7.

In addition, adjustments may need to be made to the resident census, the RDR Form and possibly the cost report.

Conversely, if DPW determines that an event is not a PSAE, the NF may adjust for any inappropriately non-covered days.

# Resources

Act of June 10, 2009

<http://www.legis.state.pa.us/CFDOCS/LEGIS/LI/uconsCheck.cfm?txtType=HTM&yr=2009&sessInd=0&smthLwInd=0&act=0001.&CFID=182111206&CFTOKEN=95084503>

35 P.S. §§ 449.91-449.97

[https://govt.westlaw.com/pac/Browse/Home/Pennsylvania/UnofficialPurdonsPennsylvaniaStatutes?guid=NAB1BF86061B711DE86E7F052F79C4496&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Browse/Home/Pennsylvania/UnofficialPurdonsPennsylvaniaStatutes?guid=NAB1BF86061B711DE86E7F052F79C4496&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

# Resources

Final PSAE Notice/Bulletin

<http://www.pabulletin.com/secure/data/vol44/44-37/1932.html>

PSAE Bulletin (03-14-08)

<http://www.dpw.state.pa.us/publications/bulletinsearch/index.htm>

PSAE Website

<http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/preventable/index.htm>

# QUESTIONS