

Partnership News & Best Practices

Office of Health Facilities Licensure & Certification

SD Department of Health

March 2023, Partnership News

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Message From the Administrator

As many of you are aware, longtime Office of Licensure & Certification Administrator, Chris Qualm, resigned in October 2022 and has recently retired from the Department of Health after a commendable career in public service. I am fortunate to have the opportunity to continue the Department's mission to promote, protect, and improve public health.

Since October 2022, I have been able to witness the incredible care providers are providing to South Dakotans. I've also had the opportunity to visit with stakeholders and partners across the state who are providing strong advocacy on their behalf. It is evident that we share a common goal – to ensure the health and safety of residents and patients in South Dakota.

I've also had the opportunity to absorb valuable knowledge from our team within the Office of Licensure & Certification. Our team has a strong foundation which has allowed me to fully immerse into the Administrator role while having confidence that our work remains priority despite change in leadership.

As a nurse, I have been on the “other” side of surveys. I recognize our surveyor presence can be intimidating and you are faced with numerous challenges day after day. I am thankful you have chosen this path and are ensuring quality care for South Dakotans during their most vulnerable moments.

As a regulatory agency, our goal is to ensure the health and safety of residents and patients. I hope it is also apparent that we care about you and your staff and serve as a resource to you. Please ask questions and utilize our team to reach our common goal.

Thank you for your continued efforts to provide quality care to South Dakota's patients and residents.

Take care.



Cassie Deffenbaugh, MSN, BSN, RN
Administrator
Office of Licensure & Certification
Department of Health



APPLY NOW!

FUNDING OPPORTUNITY
for Nursing Facilities and Assisted Living Centers

SUBMISSION DEADLINE:
5:00 p.m. CT on April 15, 2023

ANTICIPATED AWARD AMOUNT:
Facilities may apply for an award up to \$20,000

FUNDING ENDS:
May 10, 2024



South Dakota Department of Health Announces Funding Opportunity for Skilled Nursing Facilities, Nursing Facilities, and Assisted Living Centers

PIERRE, S.D. – The South Dakota Department of Health (SDDOH) Office of Health Facilities Licensure and Certification is providing a grant opportunity to support skilled nursing and long-term care facilities in enhancing their infection prevention infrastructure necessary to support resident, visitor, and facility healthcare personnel safety. This funding supports recruitment and retention opportunities for skilled nursing facilities, nursing facilities, and assisted living centers in South Dakota.

“The Department of Health recognizes the challenges our partners face in long-term care facilities and appreciates their incredible efforts to ensure the health and safety of South Dakota residents,” Cassie Deffenbaugh, Administrator for the Office of Licensure and Certification, said. “This funding is an opportunity for providers to help build a qualified workforce while reducing financial burden related to workforce expansion and retention.”

Skilled nursing facilities, nursing facilities, and assisted living centers can apply for funding under this program. The allowable use of funds includes personnel (term, temporary, students, overtime, contract staff, etc.), which includes facility non-clinical staff and clinical facility staff, and resources to support existing staff in facilities.

Recipients should consider ways to incentivize recruitment and retention of all staff, including, for example, salary increases, bonuses, upgrading from part-time to full-time positions, etc. Facilities may apply for an award of up to \$20,000.

SDDOH received \$2.5 million from the CDC's Epidemiology and Laboratory Capacity (ELC) Cooperative Agreement (CK19-1904) to support the "Nursing Home & Long-term Care Facility Strike Team and Infrastructure Project."

Applications will be reviewed promptly after the application period closes. Upon SDDOH approval, the SDDOH will contact the applicant and initiate contracts. The application deadline is 5:00 p.m. CT on April 15, 2023. Applications will be reviewed and approved on a first-come, first-served basis.

Facilities can read the full funding announcement and application instructions at <https://doh.sd.gov/providers/licensure/fundingopportunity.aspx>. Facilities interested in this funding opportunity should submit a completed application form and required attachments, including a budget and W-9, to DOHLTCTeam@state.sd.us.

For more information, please contact the South Dakota Department of Health, Office of Health Facilities Licensure and Certification at DOHLTCTeam@state.sd.us or at 605-773-3356.

Medical Facility Licensure Julie Jensen

In 2022, we migrated to a new online licensing system. The new system includes the annual medical facility license renewals, as well as new applications for all provider types, and change of ownership (CHOW) applications for a few providers. More CHOW applications will be added as they are finalized (i.e. hospital and ambulatory surgery center). Please note, ALL license applications, renewals and CHOWs will be required to be completed and submitted online.

Administrators, please be on the lookout for your annual email to renew your medical facility license. Emails will be sent to the Administrator on record email address on May 15, 2023. If you do not receive an email, please check your junk email folder prior to contacting our office. The renewal emails will be sent from the following email address: donotreply@sdhls.org.

In order to access the system, providers will need the following information: email address the licensing letter was sent to, license number, and name of facility. Providers will review the information and update the information as appropriate.

Just a reminder, payment for licenses is collected at the time your renewal is submitted or your initial application is submitted. Payments will need to be made via credit card or a non-cash voucher. Please note, the non-cash voucher is only available for South Dakota state facilities. Also, our system only accepts Visa or Mastercard credit cards.

We look forward to working with you on your upcoming license renewal, new application or change of ownership. Please contact our staff at 605.773.3356 or via email at DOHOLCLicensing@state.sd.us with any questions .

Reporting Changes to the Office of Licensure & Certification Julie Jenssen & Jennifer Maeschen, RN

Has there been a change in administration in your medical facility? If so, has your “governing body” notified the Office of Licensure & Certification of this administrator change?

The Office of Licensure & Certification is taking this opportunity to remind our healthcare partners of your obligation to notify our office when a change in administrator occurs. According to the Administrative Rules of South Dakota (various rules depending on provider type), the “governing body” shall notify the department in writing of any change of administrator. If possible, we request this notification be sent prior to the departure of the current administrator. This will help ensure we have our records updated appropriately. The Office of Licensure & Certification and the Centers for Medicare and Medicaid Services (CMS) communicate strictly via email with providers. For this reason, we are asking that the administrator’s email address be included in the notification.

Acceptable forms of communication for an Administrator change are:

- Written request to:

Cassie Deffenbaugh, Administrator
South Dakota Department of Health
600 Capitol Ave
Pierre, SD 57501

- Or email Cassandra.Deffenbaugh@state.sd.us and Julie.Jenssen@state.sd.us

Administrative rule does not cover the notification of changes in the Director of Nursing (DON) position. However, due to frequent turnover in the DON position, we request the administrator please notify our office of these changes.

Is there going to be a change of ownership? The following documentation is required for each facility, before a licensure application for a change of ownership can be approved:

- Complete the appropriate application for the facility type at this link: <https://www.sdhls.org/facilities/change/index.asp>
Note: There is no fee associated with a change in ownership. (Fees are collected with initial applications and during annual renewals.)
- Submit legal proof of the transfer of the facility to the new operating entity examples include: the Bill of Sale, Management Contract, and Articles of Incorporation from the new owner.
Note: If the new owner is a partnership or corporation, proof must be submitted of the existence of the operating entity.
- Submit a signed statement on whether the new owner WILL or WILL NOT honor and abide by the plan of correction. That was submitted following the latest licensure/recertification survey.
- The new owner will state if they have intent of changing the current staffing level.
- The planned date of the change of ownership/management.

If you have any questions regarding the reporting of changes in your facility, please contact our office at 605-773-3356.

Resident Behaviors & Staff Response

Diana Weiland, RN

“Aggressive, Challenging, Difficult, Disruptive...” all terms often associated with resident behavior. Regardless of the word attached to behavior, they are exacting – making great demands on skills, attention, and other resources. Behaviors can be exhausting as well, draining every bit of mental and/or physical reserve for staff providing care. Behaviors don’t just occur in the area of caring for those living with dementia. Remember, behaviors are a form of communication. Are we listening?

Someone who has historically had a difficult personality may become more difficult with the stress of an illness or disability. A person with a diagnosis of Alzheimer’s or other dementia may exhibit challenging behaviors as they lose their connection to communicate with the outer world, but they are still communicating. Someone who received unanticipated news may have a difficult day, but they are still communicating. Are we listening?

While staff are working daily with a multitude of behaviors, it would appear the best defense is a solid offense. Take the proactive approach – Education, education, education.

Staff should be provided the same opportunity to positively address behaviors as they would with learning specific tasks associated with hand washing and hand hygiene.

- Education should include review of staffing numbers as well, particularly if 1 to 1 observation is needed for some residents.
- Staff education about the use of appropriate response and appropriate alternatives increases the likelihood of maintaining staff, not turnover.
- Family education increases the likelihood of agreement to a positive working relationship with staff and reduces the likelihood of complaints or litigation resulting from adverse outcomes.

Several regulations that became effective 10/24/22, are relevant to behavioral health and adequately preparing “competent” and “sufficient” staff to provide care for all residents, particularly those who may be exhibiting aggressive, challenging, difficult, or disruptive behaviors.

Tags F699, F740, F741, and F744 (all within quality of care and behavioral health) refer to F838, specific to the Facility Assessment. The Facility Assessment assists in identifying your resident population and indicates areas of education that facility staff need to provide necessary and appropriate care for your residents.

In reviewing F940, F941, F942, F943, F9447, and F949, while they are relevant to staff education, they also refer to the Facility Assessment.

Consider the Facility Assessment as the basis of the necessary communication link to interact with your residents. “Aggressive, Challenging, Difficult, Disruptive” behaviors are not going away any time soon. Current regulations address behavioral management and promote specific criteria for compliance and best practices.

Focus on the behavior [communication], not labeling the person. View behavior communication from a person-centered multidisciplinary team approach. Choose the right battle. Be willing to take a breather and educate, educate, educate.

Assisted Living Center Updates

Jennifer Maeschen, RN

In November 2022, there were changes regarding the unlicensed diabetic aide (UDA) registry status and rules. Please review current UDA guidance from the South Dakota Board of Nursing (SDBON).

For questions regarding scope of practice or the UDA role, please reach out to the SDBON by phone at 605.362.2760 or email at sdbon@state.sd.us. Additional information is also available on the SDBON website.

For reference, information in our July 2022 newsletter related to this topic included:

Q: Is insulin administration allowed in an assisted living center?

A: Yes. The resident can self-administer the insulin, or it can be administered insulin by a licensed nurse. When a licensed nurse is not available, a registered nurse may delegate subcutaneous insulin administration to a UDA according to a Board approved protocol.

Note: An unlicensed medication aide (UMA) should complete the required UDA training process prior to performing any delegated insulin administration task.

Use of insulin pens including priming, dialing the dose, and assisting with the administration of an injection are considered part of the insulin administration process and therefore would not be appropriate to delegate to a UMA who has not completed the UDA training.

Please reference the Assisted Living Centers (ALC) web page on the Office of Licensure & Certification website, which includes relevant resources and helpful information related to ALCs.

South Dakota currently has 156 licensed ALC providers with a combined total of 4,975 beds. ALC providers offer various levels of care and services dependent on their license, staff qualifications and training, policies and practices, environment, and other factors. The Office of Licensure and Certification appreciates all our ALC providers for their efforts to provide quality care and individualized services in a homelike setting. Continue the great work and reach out to our office with provider related questions.

The public health advisor for ALCs is Jennifer Maeschen. She can be reached via email at Jennifer.Maeschen@state.sd.us or by phone at 605.995.8147.

Do You Need to Make Changes to Your CLIA Certificate?

Denise Broadbent, MT (ASCP)

CMS has released a new memo regarding changes to CLIA certificates. Please refer to [Admin Info: 23-05-CLIA](#) for additional information.

The following changes to a CLIA certificate must be submitted on a completed CMS 116 form, signed by the Laboratory Director:

- Initial applications for a CLIA certificate
- Certificate type changes (i.e. waived to PPM, compliance to accredited, etc.)
- Reinstatement of a terminated or lapsed CLIA certificate
- Initial addition of a multiple site exception to your certificate (including a list of all multiple sites, to include addresses and phone numbers)
- Change of Laboratory Director (Provider-Performed Microscopy (PPM), Certificate of Compliance, including required documentation to determine qualifications)
- Change of ownership of the laboratory
- Initial/recertification/validation surveys

Do You Need to Make Changes to Your CLIA Certificate? *(Continued)*

In lieu of a completed CMS 116 form, the following changes require only written notification (email is acceptable):

- Laboratory name
- CLIA ID number
- Address
- Name of Laboratory Director
- Physical address
- Mailing address
- Billing or corporate address
- Telephone or fax numbers
- Email contact address (including request to receive future notifications via email)
- Federal Tax ID number
- Specialty or subspecialty changes
- Accrediting organization
- Multiple site information (including a list of all multiple sites to be added or removed with addresses and phone numbers for all new sites)
- Reinstating a certificate (without a gap in certification)
- Voluntary closure or termination of a CLIA certificate to include the date of closure
- New technical supervisor (high complexity testing)

Once the Office of Licensure and Certification (OLC) receives appropriate notification, changes will be processed. A member of OLC will follow-up with email confirmation indicating that the requested changes have been made. If necessary, a screenshot will be included from the CLIA database and if a new certificate can be requested.

If you have any questions concerning this memo, please contact Denise Broadbent (denise.broadbent@state.sd.us) or Connor McVay (connor.mcvay@state.sd.us).

Rural Emergency Hospitals

Jean Koch, RN

In December 2020, Congress took an important step to preserve access to hospital emergency and outpatient services by passing the Consolidated Appropriations Act, 2021, establishing a new Medicare provider type, “Rural Emergency Hospitals” (REH). This is the first new Medicare provider type that Congress has approved of since 1997 and went into effect on January 1, 2023. This law created a new, voluntary Medicare payment designation that allows a critical access hospital (CAH), or a small, rural hospital with less than 50 beds to convert to a REH. The REH will no longer provide inpatient care, but will provide 24-hour emergency care services and the option for outpatient services.

The REH designation came as a response to an ongoing period of hospital closures in rural communities and concerns of access to emergency services in rural areas. The REH will provide an option for communities that are perhaps too small to support a full-service hospital but need more than ambulatory care. The REHs will be permitted to provide certain outpatient hospital and emergency department services without providing inpatient care. This allows them to be eligible for Medicare reimbursement at rates higher than those that would apply to services furnished in a hospital. Some of the services an REH can also furnish are:

- Observation care
- Outpatient hospital services
- Telehealth services
- Ambulance services
- Skilled nursing facility services

Rural Emergency Hospitals (*Continued*)

The Centers for Medicare & Medicaid Services (CMS) have created and provided new regulations for the REH. Per law, the REHs will need to meet the CMS Conditions of Participation (COPs) applicable to and not all inclusive of:

- No more than 50 beds and located in a rural area
- Cannot provide acute care inpatient services
- Must have a transfer agreement with a Level I or Level II trauma center
- Maintain a staffed emergency department, including staffing 24-hours a day, seven days a week by a physician, nurse practitioner, clinical nurse specialist or physician assistant
- Meet CAH-equivalent COPs for emergency services
- Meet EMTALA-equivalent COPS for emergency services
- Meet applicable state licensing requirements

The South Dakota Department of Health (SDDOH) will be updating the ARSD 44:75 hospital rules to include the REH provider type. Our goal is to update these rules and make appropriate changes to them as necessary to help guide and support providers interested in converting from a CAH to a REH.

In the interim, please refer to the following resources provided by CMS to assist with successful conversion from one provider type to another:

- QSO-23-07-REH
- SOM, Appendix V for additional guidance related to EMTALA requirements
- SOM, Appendix O – Survey protocol, regulations & interpretive guidance for REH
- CMS, SOM Chapter 10

This new designation is an exciting opportunity for our state. The SDDOH looks forward to working with providers on changes that may occur as a result of the new REH designation.

Subscribe to DOH Listservs

Office of Health Facilities Licensure and Certification (Receive updates and information on licensing, survey, certification, rules, and regulations)

<https://listserv.sd.gov/scripts/wa.exe?A0=SDOLC>

Clinical Laboratory Improvement Amendments (CLIA)

<https://listserv.sd.gov/scripts/wa.exe?A0=SDCLIA>

Rural Health Clinics

<https://listserv.sd.gov/scripts/wa.exe?A0=SDRHCLINICS>

Healthcare Associated Infections (HAI)

<https://listserv.sd.gov/scripts/wa.exe?SUBED1=SDHCASSOCINFECTIONS&A=1>

Resources

Emergency Preparedness

SOM Appendix Z - Emergency Preparedness for All Provider and Certified Supplier Types Interpretive Guidance

https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/som107ap_z_emergprep.pdf

Healthcare System Preparedness

<http://doh.sd.gov/providers/preparedness/hospital-preparedness/system/>

CMS Emergency Preparedness Site

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/index.html>

Health Alert Network

<https://doh.sd.gov/providers/preparedness/SDHAN.aspx>

COVID Resource Links

- [South Dakota Department of Health](#)
- CMS [QSO-20-39-NH](#) 9 (revised 09.23.22) - Visitation
- CMS [QSO-22-11-All](#) (revised 04.05.22) - Vaccination
- CMA [QSO-20-38-NH](#) (revised 09.23.22) - Testing
- [Centers for Disease Prevention and Control \(CDC\)](#)
- [COVID-19 Nursing Home Data](#)
- [Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes](#) (Updated 09.23.2022)
- [Interim Guidance for Managing Healthcare Personnel with SARS-CoV-2 Infection or Exposure to SARS-CoV-2](#) (Updated 09.23.2022)

Office of Licensure and Certification Staff Contact
<https://doh.sd.gov/providers/licensure/StaffContacts.aspx>

| Name | Title | Email | Phone |
|--------------------------------|---|--|---------------------------------|
| Cassie Deffenbaugh, RN | Administrator | Cassandra.Deffenbaugh@state.sd.us | 605-773-3356 |
| Deb Carlson, RN | Assistant Administrator (Rapid City) | Deb.Carlson@state.sd.us | 605-394-1991 |
| Patricia Brinkley, RN | Assistant Administrator (Sioux Falls) | Patricia.Brinkley@state.sd.us | 605-367-5375 |
| Jim Bailey | Medical Facilities Engineer | James.Bailey@state.sd.us | 605-367-5434 |
| Julie Jenssen | Licensing, Certification and Enforcement | Julie.Jenssen@state.sd.us | 605-773-3901 |
| Jean Koch, RN | Acute Care Advisor | Jean.Koch@state.sd.us | 605-995-8985 |
| Jennifer Maeschen, RN | ALC, RLC, CLH, and AFC Advisor | Jennifer.Maeschen@state.sd.us | 605-995-8147 |
| Diana Weiland, RN | Nursing Home Advisor | Diana.Weiland@state.sd.us | 605-995-8057 |
| Shelly Walstead, RN | Complaint and CNA Programs | Shelly.Walstead@state.sd.us | 605-367-7499 or 605-367-4640 |
| Susan Bakker, RN | Hospice, Home Health, and PRTF Advisor | Susan.Bakker@state.sd.us | 605-367-7495 |
| Denise Broadbent, MT (ASCP) | Laboratory Advisor | Denise.Broadbent@state.sd.us | 605-394-6173 |
| John Priest | Radiation Safety & Rural Health Clinic Advisor | John.Priest@state.sd.us | 605-367-5672 |
| Elaine Hanley, RN | RAI/MDS Coordinator | Elaine.Hanley@state.sd.us | 605-773-3497 |
| Kathy Welken, RN | Surveyor Education Coordinator | Kathleen.Welken@state.sd.us | 605-367-5373 |



SOUTH DAKOTA DEPARTMENT OF HEALTH
 Every South Dakotan Healthy and Strong