NDLTCA Newsletter

January 21, 2025

All Members - *All Members*

Assisted Living - *AL*

Basic Care - *BC*

Nursing Facilities - *NF*

NDLTCA Updates

NDLTCA Caregiver of the Year

All Members

The Caregiver Award recognizes employees who go above and beyond to substantially enhance the quality of life for residents/tenants. All employees working in North Dakota long term care facilities are eligible for the award. At the NDLTCA's Annual Convention in Bismarck May 6-9, 2025, the winners will be recognized during our Awards Gala on Wednesday, May 7.
For a fillable form and more information please go our website, North Dakota Long Term Care Association | Caregiver Award (ndltca.org) .
Nominations need to be postmarked no later than Friday, February 7, 2025

NDLTCA Volunteer of the Year Award

All Members

Do you want to thank a healthcare volunteer who changed the lives of those residents in your facility? Nominate that person, or group, for The North Dakota Long Term Care Association (NDLTCA) Volunteer of the Year! At NDLTCA's Annual Convention in Bismarck May 6-9, 2025, NDLTCA will honor volunteers who have made significant contributions to the quality of life of

long-term care residents at our Awards Gala on Wednesday, May 7.

For more information and to download the form, go to our website, https://ndltca.org/volunteer/.

Nominations need to be postmarked no later than Friday, February 7, 2025

Join us on Fridays for the Weekly Legislative Update

All Members

Join us Friday at 1 PM for our weekly legislative recap! We'll cover key developments from each week of the session, preview the upcoming week, and share insights on the issues we're monitoring and advocating for. Learn how you can get involved and make an impact!

Workforce

[Updated] CMS program to offer RNs up to $50K each to work in nursing homes

NF

McKnights - The Centers for Medicare & Medicaid Services will offer nursing students up to $40,000 in tuition reimbursement and/or $10,000 outright to work for a nursing home or state survey agency, the agency said Wednesday afternoon in an email to stakeholders. Read more...

Emergency Preparedness and Response

ReadyOp Trainings by ND HHS EPR have Begun!

All Members

ReadyOp the replacement software for HC Standard which will be going **live on March 14th**. ReadyOp is for Bed Availability Reporting, Resident Tracking and Mass Communication.

ReadyOp includes links to other important web pages such as HAN (Health Alert Network) Alerts, the state Medical Cache, etc.

All LTC facilities – **Skilled Nursing, Basic Care, Specialized Basic Care, and Assisted Living** must learn this software program to be prepared if an Emergency should arise. Usernames & Passwords have been sent to the contact on file for your facility.

If you did not receive that email, please contact the ND HHS EPR DOC at 701-328-0707.

Online live training sessions began on Tuesday, January 14th and will continue through March 13th, two times a week.

Thursday will be a review of the prior Tuesday session as well as Office Hours for any questions that may arise as you test the system for your facility.

Invites for the training sessions were sent out. If you did not receive an invite, please contact vanessa@ndltca.org

- **January 16 Overview and initial tour of ReadyOp for your facility. –** *Completed – See recording for what was covered*
- January 21, and 23 - Roster Management, how to enter contacts into ReadyOp.
- January 28, and 29 - Patient Tracking templates and ReadyOp Forms application.

- February 4, and 6 – Bed Availability Forms, NHSN Reporting, Hospital Advisory review.
- February 11, and 13 - Review of ReadyOP before we go live.
- February 14 – Ready Op goes live.
- February 18 thru March 14 - Open Office Hours to discuss any questions you might have about ReadyOp.

Feel free to reach out any time to the **Department Operation Center with any questions 701-328-0707.**

Check out the NDLTCA website under **"What's New"**, for the ReadyOp User Guide.

https://ndltca.org/emergency-preparedness/

ReadyOp USER GUIDE – Hospitals-LTC _1.2025

Regulatory

Court Denies Preliminary Injunction in Kansas v. Becerra - Staffing Mandate

NF

Quick update in the *State of Kansas v. Becerra*, the lawsuit filed by 20 state Attorneys General in Iowa. The plaintiffs' motion for a preliminary injunction was denied. The Court determined that the plaintiffs did not sufficiently demonstrate that the injunction was necessary to prevent irreparable harm.

While this outcome is unfortunate, it was not unexpected. This is precisely why our case, *AHCA v. Becerra*, did not include a request for a preliminary injunction.

It's important to note that this ruling does not impact the merits or strength of our case. The real issue before the courts remains: whether HHS and CMS have the authority to impose this

unrealistic and unfounded staffing mandate. We firmly believe they do not. Congress holds the authority to set specific staffing standards, not federal agencies acting beyond their scope.

We will continue to make this argument in the Northern District of Texas and remain confident in a favorable outcome. Stay tuned for updates as the case progresses.

[McKnight's article](#)

New Resources Available Related to Revised LTC Survey Guidance

NF

On November 18, 2024, the Centers for Medicare and Medicaid Services (CMS) released [Revised Long-Term Care (LTC) Surveyor Guidance: Significant revisions to enhance quality and oversight of the LTC Survey Process](#).

The memo included significant changes to guidance in Appendix PP related to the updated regulatory areas. The changes will take effect, and surveyors will begin using the revised guidance, on February 24, 2025.

Over the next several weeks, AHCA will release Action Briefings related to the guidance updates. Two new action briefings have been posted to the [AHCA Survey Regulatory page](#) for review regarding [Professional Standards](#) and the [Medical Director.](#) Each briefing includes an outlineof significant changes made, along with action items facilities may take to achieve compliance in these areas.

Please email regulatory@ahca.org with any questions.

Now Online: MDS 3.0 Assessment Deletion Requestion Forms Available in iQIES

NF

The MDS 3.0 Manual Individual Correction/Deletion Request form is required under certain situations when a modification or inactivation is not appropriate. Previously, this was a manual process that required facilities to complete a paper form and send it via certified mail to the State Agency.

[More information here.](#)

CMS Outlines Roadmap For State Survey Agencies

NF

[McKnight's Long-Term Care News](#) (1/15, Johnson) reports CMS "has released its official 2025 mission and priorities document and by all accounts, providers are going to have their hands full while striving for full compliance." The agency "outlined its roadmap for state survey agencies in a [document](#) issued Monday." The article adds, "Enforcement priorities include examining the use of antipsychotics, involuntary discharges, nurse staffing and Payroll-Based Journal reporting."

NCAL

States Continue Adapting Assisted Living Regulations

AL

Each year, NCAL publishes the "Assisted Living State Regulatory Review," to summarize key selected state requirements for assisted living licensure or certification. For every state and the District of Columbia, this report includes information on preselected topics such as which state agency licenses assisted living, recent legislative and regulatory updates affecting assisted living, scope of care, limitations of services, staffing, and training - to name a few.

States use several different terms to refer to assisted living, such as residential care and personal care homes. This report includes requirements for those types of communities that offer seniors housing, supportive services, personal-centered assistance with activities of daily living, and some level of health care.

Find the publication [here](#).

Medicaid Expansion

BCBS Reminder for Skilled Nursing Facility (SNF) Providers

NF

BCBSND would like to remind providers of correct billing guidelines, relating to therapy services in a Skilled Nursing Facility (SNF) setting.

SNF claims have been identified where providers are billing therapy services on an outpatient claim(s) incorrectly. Please refer to our currently published **Inpatient Skilled Nursing Facility Billing Guidelines** for information on correct practices.

It is important to review and understand the guidelines to avoid billing errors. Per the above published guidance, Speech, Occupational and Physical therapy are included in the per-diem and should not be unbundled. However, if those services are being provided to a patient that isn't in an inpatient setting, the services should be billed on a CMS-1500.

For additional information, please refer to the policy or contact the appropriate Provider Service department by calling the phone number on the back of the member's ID card.

Medicare Advantage

NextBlue Customer Service Center Experience

All members

Beginning January 2025, providers and members may experience a higher-than-normal wait time and delay response times due to a high volume of new enrollees.

We are focused on providing timely support to your practice/facility and our members. To best support your needs we recommend providers utilize the NextBlue self-service tools available.

Provider Resources | NextBlue of North Dakota

This page includes links to information including:

- **Getting Started with NextBlue** - A quick guide with information and resources to assist you as you start working with NextBlue.
- **Contact Information**

- **Educational Videos**
- **Portal Registration**
- **Medical Policies**

Thank you for your understanding as we adjust for this unprecedented growth.

CMS Releases Proposed 2026 Medicare Advantage Payment Policy Updates

All members

The Centers for Medicare and Medicaid Services (CMS) recently released the proposed Calendar Year (CY) 2026 updates for Medicare Advantage (MA) and Part D payment policies. Highlights include:

- A projected **4.33% average increase** in MA rates for 2026, amounting to over $21 billion, though specific rates may vary due to risk adjustment and other factors.
- Completion of a three-year phase-in of CMS' revised payment formula, saving an estimated $10.4 billion in 2026 while maintaining stable MA offerings.
- Updates to Part D payment methodology and implementation of drug price negotiation for high-cost drugs starting in 2026, expected to lower beneficiary costs.
- Progress toward using encounter-based data for risk adjustment, with a potential phase-in starting in 2027.

The final announcement is due by April 7, 2025. **AHCA/NCAL will submit comments by February 10, 2025.**

Read more about the proposed updates here.

Education

Enhance Your Nursing Facility's Behavioral Health Services With the COE-NF Needs Assessment Tool

NF

The COE-NF's Behavioral Health Needs Assessment tool assists in evaluating the capacity of the nursing facility to address the needs of residents with serious mental illness (SMI) and substance use disorder (SUD). With the insight provided by the Behavioral Health Needs Assessment, gaps in services may be identified, enabling the facility to prioritize areas of improvement.

After your facility assessment is complete, contact the COE-NF. Your regional behavioral specialist can customize a plan to mitigate gaps and support your efforts to improve behavioral health services for residents. Together, you and the behavioral specialist will identify the following:

- Targeted training
- Resources
- Behavioral health interventions
- Routine care strategies and care planning recommendations that complement your current behavioral health services

A request for assistance takes less than five minutes. Click Here to get started today!

Use the COE-NF Behavioral Health Needs Assessment to assess your facility's current needs and identify areas requiring further support:

- Click Here to download the Behavioral Health Needs Assessment without examples
- Click Here to download the Behavioral Health Needs Assessment with examples

A Facility Assessment Approach to Behavioral Health

[Watch the recorded training](#) to learn about the practical application of the Behavioral Health Needs Assessment. A short pre-test is required to access the recording.

Contact us at 701-222-0660 or email Nikki at nikki@ndltca.org or Peggy at peggy@ndltca.org.