

The Power and Possibility of PASRR Webinar Series

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PASRR Determination: Written Notices and Evaluation Reports



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POWER AND POSSIBILITY OF PASRR WEBINAR SERIES



Goals

- To define federal requirements governing PASRR Written Notices:
 1. Notice of Referral for Level II
 2. PASRR Level II Evaluation Report (Summary of Findings)
 - Individualized Evaluation Report
 - Categorical Evaluation Report
 3. PASRR Level II Determination Notice
- To provide communication and health literacy resources and tips to support states in developing effective written PASRR communications

Written Notices Produced through PASRR



- 1. Notice of Referral for Level II**
- 2. PASRR Level II Evaluation Report (Summary of Findings)**
 - Individualized Evaluation Report
 - Categorical Evaluation Report
- 3. PASRR Level II Determination Notice**

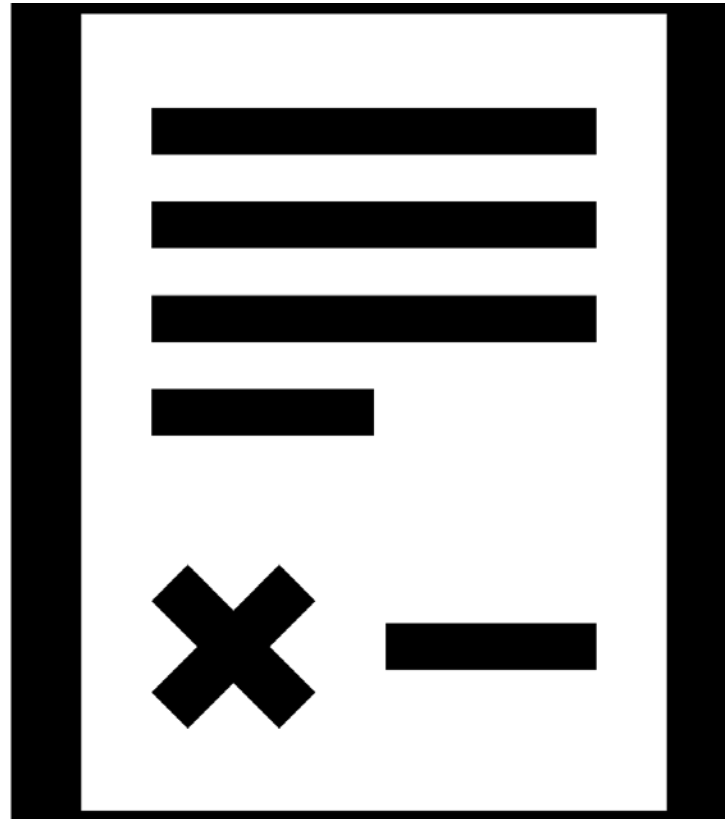


Purpose:

Alerts the individual and guardian that a Level II evaluation will occur

Recipients:

The individual and guardian



1. Notice of Referral for Level II

Notice of Referral for Level II *Requirements*



Requirement

- § 483.128(a) *The State's performance of the Level I identification function must provide at least, in the case of first time identifications, for the issuance of written notice to the individual or resident and his or her legal representative that the individual or resident is suspected of having MI or MR and is being referred to the State mental health or mental retardation authority for Level II screening.*

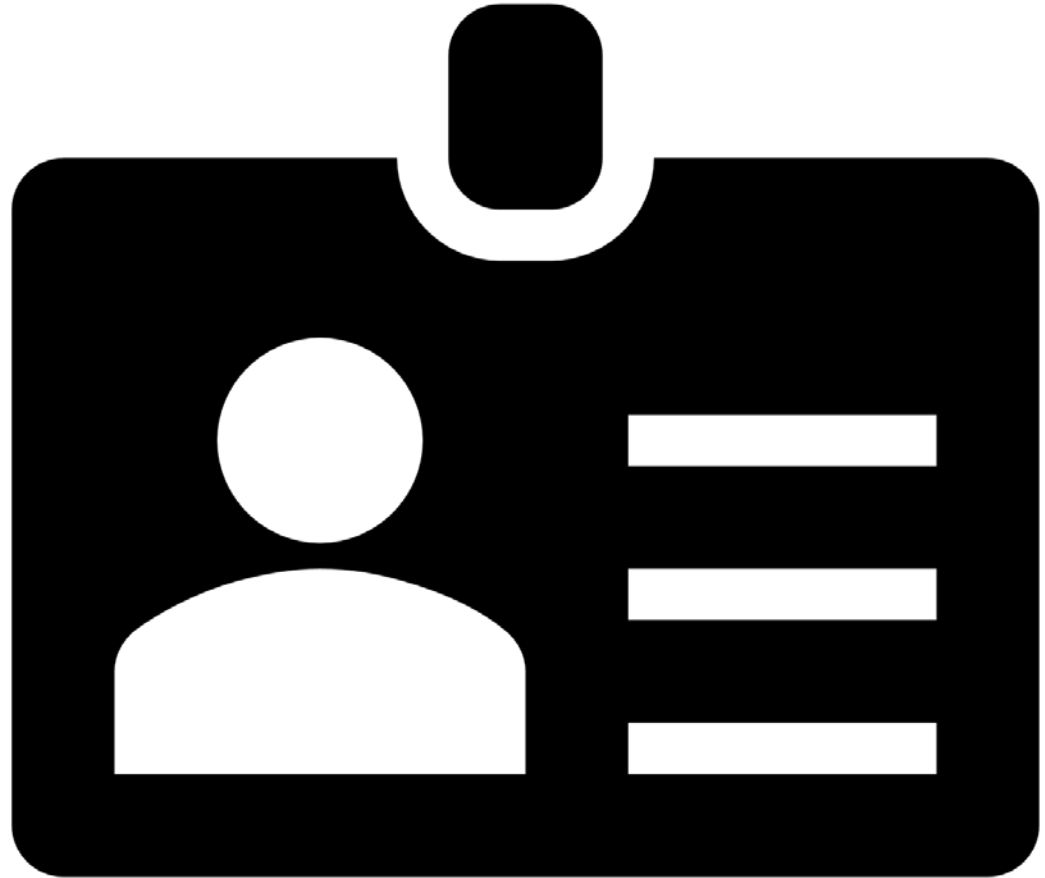
Which Means

- Explains the reason for the referral
- Occurs before the Level II
- **Bottom line:** Explains what is happening and why



Purpose:

Synthesizes the evaluation & supplemental documents to describe the person and his service & placement needs in understandable and actionable terms.



2.A The Individualized Summary of Findings Report



The PASRR Report

- Differs from the notice or the evaluation
- Is the summary of the evaluation—what all PASRR efforts are directed toward producing

The PASRR Report is:

- **A powerful document that synthesizes the (more technical) evaluation to educate providers about service/support needs and serve as the basis for the care plan so that—**
 - The person is not admitted to a NF that cannot meet their needs
 - Candidates for divert/transition are identified to enable plans to be put in place
 - The provider understands how the individual can best be supported (demystifying the person's PASRR condition, naming actionable requirements, etc.)



Recipients of the Individualized PASRR Report [§ 483.128(l)]

- Individual or resident and his or her legal representative
- Appropriate State authority in sufficient time for the State authorities to meet the times identified in in sufficient time for the State authorities to meet the times identified in Sec. 483.112(c) for PASs...
 - *...made in writing within an annual average of 7 to 9 working days of referral of the individual... by whatever agent performs the Level I identification...to the State mental health or mental retardation authority for screening.*
- Admitting or retaining NF
- Individual's attending physician
- The discharging hospital if the individual is seeking NF admission from a hospital.

Summary of Findings Report

Requirements

§ 483.128 (i) For individualized PASARR determinations, findings must be issued in the **form of a written evaluative report** which--



Requirement

- § 483.128 (i)(1) *Identifies the name and professional title of person(s) who performed the evaluation(s) and the date on which each portion of the evaluation was administered*

Which Means

- For example,
 - if multiple assessors, lists evaluation date for each
 - If others are involved in writing the summary report, then the report lists them and the dates they completed their functions
- **Bottom line:** Lists who was involved and when each component was completed.

Summary of Findings Report Requirements

§ 483.128 (i) For individualized PASARR determinations, findings must be issued ***in the form of a written evaluative report*** which--

Requirement

- § 483.128 (i)(2) *Provides a summary of the medical history*
 - *483.132 considers physical, mental, and functional*

Which Means

- **Medical history and status** –determines or confirms functional and medical need (may have been separately determined)
- **Disability history and status**, e.g., describes
 - Hospitalizations and known precipitators
 - Signs when symptoms worsen and needed supports when that occurs
 - Medications that have worked
 - Services that have worked and current service providers (continuity of care)
 - Baseline
 - History of and current suicide risk
 - How that person’s disability “shows up” –demystifies
 - Whether disability needs can be met in a NF through NF services or arranged services
- **Bottom line:** Describes medical and disability history to help the caregiver see the total person.

Summary of Findings Report

Requirements

§ 483.128 (i) For individualized PASARR determinations, findings must be issued **in the form of a written evaluative report** which--



Requirement

- § 483.128 (i)(2) *Provides a summary of the social history, including the positive traits or developmental strengths and weaknesses or developmental needs of the evaluated individual*

Which Means

- **Social History, Strengths, Needs**
 - Background
 - Skills that can be leveraged
 - Person-centered and quality of life considerations
 - What helps you feel supported?
 - What makes a good day? What do you enjoy?
 - What is important for others to know about you?
 - What's the best way to communicate with you?
 - What are your preferences for where you live now? In the future?
- **Bottom line:** Tells **that individual's** story—including goals, wishes, preferences—to:
 - Create a connection
 - Serve as the person's voice
 - Identify supports

Summary of Findings Report

Requirements

§ 483.128 (i) For individualized PASARR determinations, findings must be issued **in the form of a written evaluative report** which--



Requirement

- § 483.128 (i)(3) *If NF services are recommended, identifies the specific services which are required to meet the evaluated individual's needs...*
- § 483.128 (i)(4) *If specialized services are not recommended, identifies any specific mental retardation or mental health services which are of a lesser intensity than specialized services that are required to meet the evaluated individual's needs*

Which Means

- **Services and supports that the NF must provide** (if the person needs NF)
 - Services that have been effective in the past
 - Newly identified needs
- **Potential future needs**
 - *Though you are stable now, if you begin to show signs that your depression is returning, such as excessive sleeping and withdrawal, then the nursing home will need to contact your psychiatrist to arrange for evaluation*
- **Community transition and service indicators**
 - *once you are able to use the stairs, then the provider must begin preparing you for return to your apartment)*
 - *If you return to the community, you will need to reconnect with your psychiatrist, receive medication supports, etc.*

Summary of Findings Report

Requirement

§ 483.128 (i) For individualized PASARR determinations, findings must be issued in the **form of a written evaluative report** which--



Requirement

- § 483.128 (i) (5) *If specialized services are recommended, identifies the specific mental retardation or mental health services required to meet the evaluated individual's needs*

Which Means

- **Identifies:**
 - *Any disability-specific services that may not be routinely offered in the NF*
 - *Facility-specific requirements:* In some circumstances, a person's needs may be so unique that only certain settings will meet those needs. When that occurs, the specific type of setting (setting requirements) must be named
- **Bottom line:** Identifies actionable services that must be delivered to meet the needs of the person, even if those are not routine NF services. These must be incorporated in the NF plan of care

Summary of Findings Report—Individualized, continued

§ 483.128 (i) For individualized PASARR determinations, findings must be issued in the **form of a written evaluative report** which--




Requirement

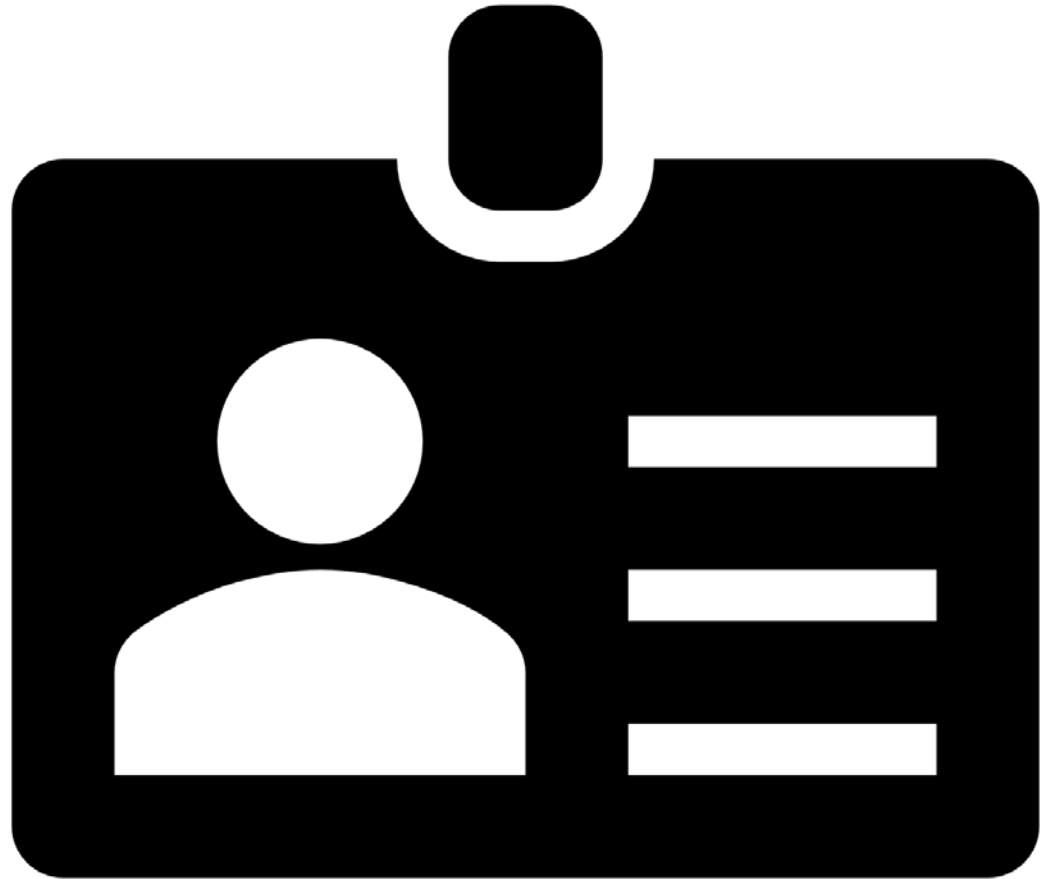
- § 483.128 (i) (6) *Includes the bases for the report's conclusions.*

Which Means

- **Provides a rationale** for required services and supports
 - *Because your depression is tied to the many losses you have had in the last year, the provider must arrange for a grief therapist to work with you to help process the loss of your wife.*
- **Bottom line: explains the reason for the requirements.** This helps the provider communicate the “why” behind the need for services or supports.




Synthesizes the information gathered during the categorical Level II decision to describe any known needs in understandable and actionable terms.



2.B The Categorical Report

Categorical Decisions

- PASRR Level II decisions made by virtue of someone's fit within a certain category
- Categorical options are incorporated in the State Plan
- **Examples**
 - Convalescent Care
 - Terminal Illness
 - Severe Physical Illness
 - Provisional due to Delirium
 - Provisional Emergency
 - Respite
 - Dementia and ID
- **Some categorical decisions identify**
 - Only that the person needs NF services because they fall within that category
 - That the person does need NF and does not need specialized services because they fall within that category
- **If the category only answers one of the two required questions, then the other question must also be answered through individualized review**



Recipients of the Categorical PASRR Report [§ 483.128(l)]

- Individual or resident and his or her legal representative
- Appropriate State authority in sufficient time for the State authorities to meet the times identified in in sufficient time for the State authorities to meet the times identified in Sec. 483.112(c) for PASs...
 - *...made in writing within an annual average of 7 to 9 working days of referral of the individual... by whatever agent performs the Level I identification...to the State mental health or mental retardation authority for screening.*
- Admitting or retaining NF
- Individual's attending physician
- The discharging hospital if the individual is seeking NF admission from a hospital.

Summary of Findings Report

Categorical Determination Requirements

§ 483.128 (j) For categorical PASARR determinations, findings must be issued in the **form of an abbreviated written evaluative report** which--

Requirement

- § 483.128 (j) Identifies the name and professional title of the person applying the categorical determination and the data on which the application was made;
- Explains the categorical determination(s) that has (have) been made and, if only one of the two required determinations can be made categorically, describes the nature of any further screening which is required;

Which Means

- 2 decisions must always be made in Level II processes:
 - Does the person need NF?
 - Does the person require specialized services or supports?
- If both decisions aren't permitted through the categorical definition, then individualized review must occur to address the other decision (or further evaluation steps must be identified)
- **Bottom line:** Answers both required questions

Summary of Findings Report

Categorical Determination Requirements

§ 483.128 (j) For categorical PASARR determinations, findings must be issued in the **form of an abbreviated written evaluative report** which--

Requirement

- Identifies, to the extent possible, based on the available data, NF services, including any mental health or specialized psychiatric rehabilitative services, that may be needed; and
- Includes the bases for the report's conclusions.

Which Means

- Identifies service and support requirements--e.g.,
 - *Contact the person's psychiatrist to ensure continuity of care*
 - *Though he is stable now, the NF must monitor for worsening of the depression symptoms and report those as a status change*
- **Bottom line:** Considers what is known about the person both through their fit within a category as well as review of collateral documents to identify what the provider must incorporate in the Plan of Care based on the information known about the person

Summary of Findings Report

Categorical Determination Requirements

§ 483.130 (e) Time Limits



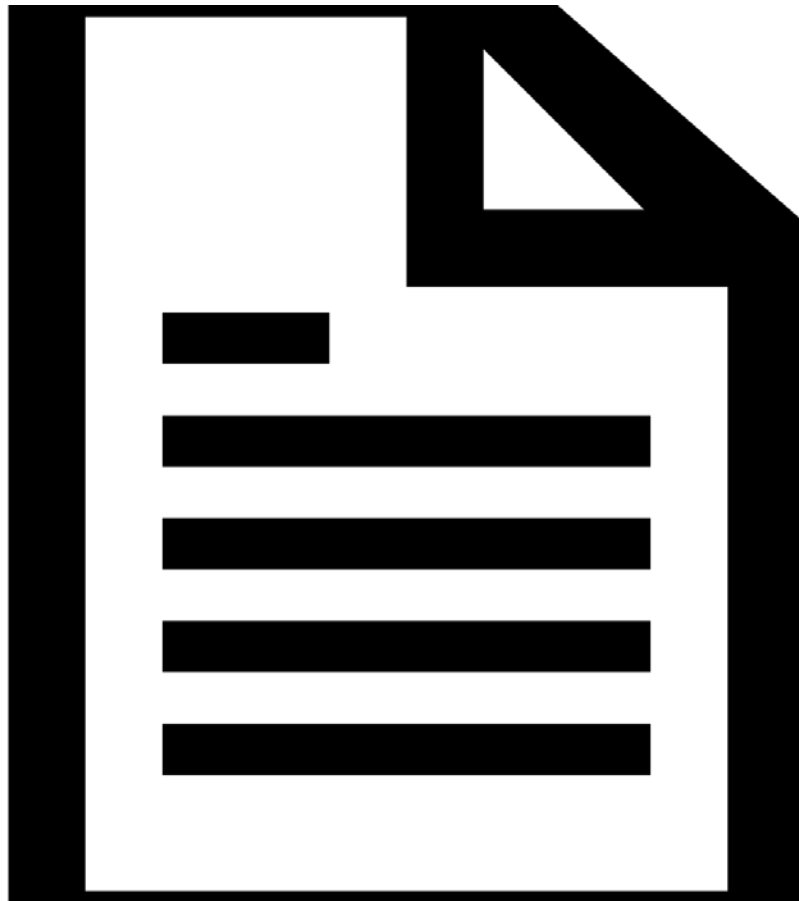
Requirement

- The State may specify time limits for categorical determinations that NF services are needed and in the case of paragraphs (d)(4), (5) and (6) of this section, must specify a time limit which is appropriate for provisional admissions pending further assessment and for emergency situations and respite care.
- If an individual is later determined to need a longer stay than the State's limit allows, the individual must be subjected to an annual resident review before continuation of the stay may be permitted and payment made for days of NF care beyond the State's time limit.

Which Means

- The CMS state plan contains approved state categories
 - The CFR contains some required time limits for time limited stays (e.g., Respite)
 - Some do not require time limits
- Time limits must be specified
- A Resident Review (Status Change) must be conducted if the individual is expected to stay beyond the specified time limit
- **Bottom Line:** Clarifies how long a decision applies and required next steps if continued care will be needed

**The letter that
accompanies the
Summary of
Findings Report**



3. The Notice of Determination

Determination Notice-Contents



Requirement

- § 483.130(l) *Each notice of the determination made by the State mental health or mental retardation authority must include--*
 - (1) *Whether a NF level of services is needed;*
 - (2) *Whether specialized services are needed;*
 - (3) *The placement options that are available to the individual consistent with these determinations; and*
 - (4) *The rights of the individual to appeal the determination under subpart E of this part.*

Which Means

- Non-institutional versus institutional needs (and which setting)
- Whether service needs are more extensive than services typically available in a NF
- Services or settings that would meet those specific needs
- Right to appeal (§ 431.200 *Any individual adversely affected by any **PASARR*** ...;
 - §431.201 defines adverse as that ...*does not require the level of services provided by a nursing facility or ...does or does not require specialized services.*
- **Bottom line:** Explains what the person needs in terms of services and placements and offers instructions for appeal

Determination Notice-Contents for Placement Options (Applicant)

§ 483.130(m) **Placement options.** *Except as otherwise may be provided in an alternative disposition plan adopted under section 1919(e)(7)(E) of the Act, the placement options and the required State actions are as follows:*

Placement options	Requires NF Level of Service?	Requires Specialized Services (SS)?	Option
(1) can be admitted to a NF...	Yes	Regardless of SS decision	Can be admitted to NF if appropriate*
(2) cannot be admitted to a NF...	No	Regardless of SS decision	Cannot be admitted

*Placement must be *appropriate* (see § 483.126); *Appropriate* =

- Meets minimum standards for admission and
- The needs for treatment do not exceed what the NF can deliver (or arrange to be delivered)

Determination Notice-Contents for Placement Options (**Resident**)

Placement options	Requires NF Level of Service?	Requires Specialized Services?	Option
(3) Can be considered appropriate for continued placement in a NF...	Yes	Regardless of SS Decision	Can remain in a NF if appropriate*
<p>(4) May choose to remain in the NF even though the placement would otherwise be inappropriate</p> <p>§483.118 (c)(3) ...establishing length of stay ...the 30 months of continuous residence in a NF or longer--</p> <ul style="list-style-type: none"> i. Is calculated back from the date of the first annual resident review determination which finds that the individual is not in need of NF level of services; ii. May include temporary absences for hospitalization or therapeutic leave; and iii. May consist of consecutive residences in more than one NF. 	No	Yes	<p>May choose to remain in the NF as long as:</p> <ul style="list-style-type: none"> • the person was a NF resident for at least 30 consecutive months before the determination • Specialized Services (SS) will be delivered. • the State meets specialized service needs. <p>The notice must provide information concerning how, when, and by whom the various placement options available to the resident will be fully explained to the resident.</p>

Determination Notice-Contents for Placement Options (**Resident**)

Placement options	Requires NF Level of Service?	Requires Specialized Services?	Option
<p><i>(5) Cannot be considered appropriate for continued placement in a NF and must be discharged</i></p> <p><i>Resident who has resided in a NF for less than 30 consecutive months</i></p>	No	Yes	<p>Must be discharged in accordance with § 483.12(a) to an appropriate setting where the State must provide SS.</p> <p>Determination notice must provide information on how, when, and by whom the resident will be advised of discharge arrangements and of his/her appeal rights under both PASARR and discharge provisions.</p>
<p><i>(6) Cannot be considered appropriate for continued placement in a NF and must be discharged (short or long-term residents)</i></p>	No	No	

Determination Notice-Contents for Specialized Services



Requirement

- §483.130(n) ***Specialized services needed in a NF.*** *If a determination is made to admit or allow to remain in a NF any individual who requires specialized services, the determination must be supported by assurances that the specialized services that are needed can and will be provided or arranged for by the State while the individual resides in the NF.*

Which Means

- **Bottom line:** If specialized services are required, then the notice must assure that they will be delivered.

Communication and Literacy Resources



- **PERSON FIRST**
- **LITERACY RESOURCES AND SUPPORTS**

Written Notices—All notices and determination reports

Requirement

- § 483.128 **(b) Adaptation to culture, language, ethnic origin.** *Evaluations performed under PASARR and PASARR notices must be adapted to the cultural background, language, ethnic origin and means of communication used by the individual being evaluated.*

Which Means

- **Bottom line:** Use simple, understandable language, adapted to the way in which the person communicates. Describe how further information can be obtained.



Considerations specific to PASRR

Our Audience for the PASRR Summary Report:

- The individual.
- Certified Nursing Assistant (CNA) staff are the primary source of day-to-day interaction with the person.
 - 1 in 4 Long Term Care (LTC) health care providers are immigrant status*
 - implications are shortages, turnover, and need for very simple wording in what and how we tell them about the person.
- Other Nursing Facility (NF) staff.
 - High turnover.
 - Busy.

*<https://www.nytimes.com/2018/02/02/health/illegal-immigrants-caregivers.html>



Adapting to Manner of Communication

Recommendations from the
Guide to Plain Language:
<https://plainlanguage.gov/>

Adapt Communications

- Understand your audience
- Be concise
- Write conversationally
- Use headers framed as questions
- Use white space
- Speak in second person
- Frame in active voice
- Use unjustified right margins
- Use translator services when needed

Plain Language Translator

Don't say	Say
a and/or b	a or b or both
accompany	go with
accomplish	carry out, do
accorded	given
accordingly	so
accrue	add, gain
accurate	correct, exact, right
additional	added, more, other
address	discuss
addressees	you
addressees are requested	(omit), please
adjacent to	next to
advantageous	helpful
adversely impact on	hurt, set back
advise	recommend, tell
afford an opportunity	allow, let
aircraft	plane
allocate	divide
anticipate	expect
a number of	some
apparent	clear, plain
appreciable	many
appropriate	(omit), proper, right
approximate	about
arrive onboard	arrive
as a means of	to
ascertain	find out, learn
as prescribed by	in, under
assist, assistance	aid, help

Don't say	Say
attain	meet
attempt	try
at the present time	at present, now
be advised	(omit)
benefit	help
by means of	by, with
capability	ability
caveat	warning
close proximity	near
combat environment	combat
combined	joint
commence	begin, start
comply with	follow
component	part
comprise	form, include, make up
concerning	about, on
consequently	so
consolidate	combine, join, merge
constitutes	is, forms, makes up
contains	has
convene	meet
currently	(omit), now
deem	believe, consider, think
delete	cut, drop
demonstrate	prove, show
depart	leave
designate	appoint, choose, name
desire	want, wish

[https://plainlanguage.gov/guidelines/words/use-simple-words-phrases/.](https://plainlanguage.gov/guidelines/words/use-simple-words-phrases/)



Person Centered Communications

<https://adata.org/factsheet/ADANN-writing>

Use Person-Centered Language

- Emphasize abilities, not *disabilities*
- Refer to the person first and the disability second
- Identify language preferences (how do they self identify—what terms do they prefer?)
- Use neutral language (avoid language that suggests a lack of something)



Person Centered Communications

<https://adata.org/factsheet/ADANN-writing>

Use Person-Centered Language

- Use language that emphasizes need for accessibility rather than presence of disability (including describing what supports a person needs, rather than what the person cannot do)
- Do not use condescending euphemisms
- If comparing to people without disabilities, say exactly that, **rather than** using terms such as “normal” or “able-bodied”
- Do not use language that perpetuates negative stereotypes



Person Centered Communications

<https://adata.org/factsheet/ADANN-writing>

Use Person-Centered Language

- Identify what is ***important to*** the person (generally his perspective)
 - What does he enjoy—what makes a good day?
 - What helps when symptoms are bad?
 - What are his goals--where to live, services or supports to receive, medications that have worked, preferences for hospitalization
- Identify what is ***important for*** the person (generally the perspective of others who know her)
 - What tells you that she is becoming more depressed?
 - How do you support her when she is getting more depressed, anxious, etc.?
 - What helps? Doesn't help?

Plain Language Resources

• Plain Language Guidelines

- <https://plainlanguage.gov/guidelines/> (full guideline document)
- Working with Plain Language: A Training Manual (2008): <http://impact-information.com/Resources/working.pdf>

• Training Resources for Plain Writing

- <https://www.nih.gov/institutes-nih/nih-office-director/office-communications-public-liaison/clear-communication/plain-language/plain-la>
- <https://www.nih.gov/institutes-nih/nih-office-director/office-communications-public-liaison/clear-communication/plain-language/plain-language-getting-started-or-brushing>
- <https://health.gov/communication/literacy/plainlanguage/PlainLanguage.htm>

• Editing Resources

- Flesch-Kincaid Grade Level Reading Ease Score: <http://www.readabilityformulas.com/flesch-reading-ease-readability-formula.php>
- Gunning-Fog Index: <http://gunning-fog-index.com/>
- Hemingway Editor: <http://www.hemingwayapp.com/>
- <http://www.thewriter.com/what-we-think/readability-checker/>

• Other Resources

- <https://www.govinfo.gov/app/details/PLAW-111publ274>
- <https://adata.org/factsheet/ADANN-writing>
- https://www.medicare.gov/sites/default/files/2018-07/2018_annual_cms_plain_language_report.pdf
- <https://www.cms.gov/Outreach-and-Education/Outreach/WrittenMaterialsToolkit/Downloads/ToolkitPart04Chapter03.pdf>
- <https://adata.org/factsheet/ADANN-writing>
- www.impact-information.com/impactinfo/literacy.htm. Plain Language at Work
- ²<https://www.privacyrights.org/blog/compliance-vs-communication-readability-hipaa-notice-hochhauser>
- ³<https://www.aafp.org/afp/2005/0801/p463.html>

QUESTIONS

