

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re:

Proposed Purchase by Genesis)
Healthcare, Inc. and its Subsidiaries)
of Bennington Health and)
Rehabilitation Center, LLC, Berlin)
Health and Rehabilitation Center,) Docket No. GMCB-014-15con
LLC, Burlington Health and)
Rehabilitation Center, LLC,)
Springfield Health and Rehabilitation)
Center, LLC and St. Johnsbury)
Health and Rehabilitation Center, LLC)

PROPOSED QUESTIONS FOR THE APPLICANT

Pursuant to Certificate of Need Rule 4.406, the Long Term Care Ombudsman Office submits the following Proposed Questions for the Applicant to the Green Mountain Care Board in the above captioned Certificate of Need application review.

1. Please provide the admissions agreements presently in use for the four current Genesis facilities and the applicant facilities. What changes, if any do you anticipate making to the admission agreements for the applicant facilities?
2. Please provide the re-hospitalization rates for both the current and the applicant Genesis facilities along with the state and national averages, if available.
3. CON Standard 1.7 requires applicants “to explain how such project is consistent with evidence based practice.” Your application at page 41 states that “[C]ompany-wide practice councils review and update clinical standards to reflect new evidence in their respective fields...” and that evidence based clinical practice standards are disseminated to each Genesis facility.
 - a. According to the Center for Medicaid and Medicare Services (CMS), three of the four current Genesis facilities’ quality measure for the percentage of long term residents with catheters inserted and left in their bladder exceeds both the state and national average. Four of the five applicant facilities also exceed both the state and national average. Describe the evidenced based clinical practice standards and curricula in place related to this quality measure and their anticipated impact in the applicant facilities.
 - b. According to CMS, three of the four current facilities’ quality measure for the percentage of residents who lose too much weight exceeds both the national and state average. The fourth facility exceeds the state average. Two of the five applicant facilities

exceed both the state and national average. Describe the evidenced based clinical practice standards and curricula in place related to this quality measure and their anticipated effect on this measure in the applicant facilities.

4. CON Standard 3.12 requires the applicant to explain efforts “which support high quality, patient centered palliative and end of life care.”

a. Please provide Genesis’ working definition of palliative care.

b. Your application at page 42, states that your “Clinical Practice Guidelines for Quality Palliative Care focus in part on pain symptom assessment and management.” According to CMS, three of the four current Genesis facilities’ quality measure for the percentage of long term residents who reported moderate to severe pain exceeds the national average. Four of five applicant facilities exceed both the state and national average. The fifth exceeds the national average. Describe person centered evidenced based clinical practice standards and curricula in place related to this quality measure and their anticipated effect on this measure in the applicant facilities.

5. CON Standard 4.7 asks the applicant to explain how its expanded services will support the mental health and well-being of the population....”

a. Your application at page 44 explains that you have established “Standards for Behavioral Health Service Providers.” The Standards require all clinicians to be credentialed through “Genesis Central Credentialing.” The Standards give preference to local providers over telehealth providers. They require providers to maintain a predictable schedule and “provide consultation at mutually negotiated intervals based on patient census....”

CON Standard 5.1 requires applicants to demonstrate how they will ensure the goal that “Vermonters who need long-term care services will receive the services that reflect their personal values and preferences...” Please explain how the above Standards allow residents to access providers of their own choosing, at the time, by the method and at the location they prefer.

b. Your application at page 44 states that “in many rural areas of Vermont mental health providers are limited.

i. In addition to tele-med psychiatry services, how will you ensure the provision of mental health services to the expanded population you will be serving in the applicant facilities?

ii. Explain how your credentialing process increases residents’ access to mental health services.

6. Your application at page 49 states that “[F]ood is a very important part of health and has the power to heal and comfort.”

- a. Please provide the name of the contractors that operate the food service in the current Genesis facilities and the applicant facilities.
 - b. Do you anticipate changing contractors in the new facilities? If so, why?
 - c. Explain how the food services contractors in current and applicant facilities accommodate the residents' personal and cultural values, preferences, ethnicity, religious dietary restrictions, and physical and mental limitations.
 - d. Provide the amount budgeted for food per resident per day in each current and applicant facility. Provide the state and national per resident per day average, if available.
7. Your application at page 2 explains that you will be reducing the bed count by 52 and creating 52 new private rooms in four of the five applicant facilities.
 - a. For each applicant facility, please describe the location of the 52 rooms that will be converted to private rooms.
 - b. Please explain why those specific rooms were chosen.
 - c. Please provide the number of residents who will be relocated as a result of the conversion.
 - d. Please describe the process you will follow for relocation of these residents, including any notice that you will provide to the residents, family members, the state and the long term care ombudsman.
 - e. Please describe how the conversion of these 52 rooms to private rooms will affect the number of Medicaid certified beds in each applicant facility. Include the number of Medicaid certified beds in the facility after the conversion.
 - f. Will residents on Choices for Care be allowed to remain in or be admitted to the newly created private rooms?
8. Exhibits 11.A.5, 11.B.5, 11.C.5, 11D.5, and 11E.5 (Referral and Admission Activity Reports) give the number of referrals received by each applicant facility and the number of "Admits" and Non-Admits."
 - a. Please provide the same information for the current Genesis facilities.
 - b. The percentage of referrals that result in admission varies among the five applicant facilities from approximately 62% to 96%.
 - i. Please supply the admission criteria used by Genesis and the applicant facilities to determine who will be admitted to the facility.

ii. For both the current Genesis facilities and the applicant facilities, please provide the ten most frequent reasons for not admitting someone. Rank from most to less frequent.

iii. Nursing homes are places of public accommodation under the Americans with Disabilities Act. Please provide the policies, procedures and education and training materials you have developed to ensure that Genesis facilities will not discriminate against individuals with disabilities during the admission process in current and applicant facilities.

10. Exhibit V.B.7.at F-1 includes a “Report of Independent Registered Public Accounting Firm.” At page F-28, the Report explains that Genesis is a “party to litigation and regulatory investigations arising in the ordinary course of business.” The report explains Genesis management believes that even if the outcome of these actions were not favorable, the results would not have an adverse effect on Genesis’ operations. However, the report notes that there are six legal matters that could have a negative impact on their operations.

a. Explain what impact an unfavorable outcome in these six legal actions, either alone or in combination, would have on the operation, financial position or cash flow of the company.

b. Explain how Genesis will ensure that these actions will not negatively impact its ability to provide quality care to the residents of the current and applicant facilities in Vermont.

11. Your application at page one states that you “[W]ill be the recognized leader in clinical quality and customer satisfaction in every market we serve.” Three of the five applicant facilities have an overall average CMS star rating. Two have a rating of much below average. Throughout your application you indicate that you do not intend to change services in the applicant facilities. At page two of your application, you state that you do not intend to change staffing or administration. Explain what changes you do anticipate making in the operation of the applicant facilities to improve their overall star ratings.

s/ Jacqueline Majoros
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CERTIFICATE OF SERVICE

I, Jacqueline Majoros, hereby certify that I have served the above Proposed Questions for the Applicant on Michael N. Donofrio, General Counsel to the Green Mountain Care Board, Judith Henkin, Green Mountain Care Board Health Policy Director, Donna Jerry, Health Policy Analyst Green Mountain Care Board and Linda J. Cohen, Esq. of Dinse, Knapp & McAndrew, P.C. by electronic mail, delivery receipt requested this 19th day of November, 2015.

s/ Jacqueline Majoros _____
Jacqueline Majoros
Long Term Care Ombudsman's Office