Hold on ACA Program Leaves Millions in Health Plan Transfers in Limbo

The Trump administration has placed a hold on a program that would have shifted tens of millions of dollars between insurers serving the Affordable Care Act marketplace in Illinois, officials announced over the weekend.

Under the risk adjustment program, companies with healthier consumers make payments that are transferred to companies with sicker enrollees. Some insurers have sued over the program, arguing that the formula the federal government uses to determine payments is flawed.

This weekend, CMS announced it couldn’t make the collections or payments, including amounts for the 2017 benefit year, citing a February ruling from a federal court in New Mexico. The program would have transferred $10.4 billion for plan year 2017 between different insurers.

“As a result of this litigation, billions of dollars in risk adjustment payments and collections are now on hold,” CMS Administrator Seema Verma said in a Saturday statement. “CMS has asked the court to reconsider its ruling, and hopes for a prompt resolution.”

The suspension drew concerns from some insurers. Blue Cross and Blue Shield of Illinois expected to see $151.7 million for plan year 2017, according to a CMS report released last week.

“These transfers between insurance carriers are designed to keep costs down and ensure all consumers regardless of health status have access to health insurance and receive the care they need,” spokeswoman Colleen Miller wrote in an email. “We are currently assessing the implications and any potential impacts as a result of this development.”

Centene was set to pay $77.8 million. Cigna, which was set to pay $53.4 million for plan year 2017, referred comment to America’s Health Insurance Plans, which called for a “quick resolution.” They noted the decision to freeze payments comes at a time when plans are developing rates for 2019 and states are reviewing them.

“This decision will have serious consequences for millions of consumers who get their coverage through small businesses or buy coverage on their own,” the group noted in a statement. “It will create more market uncertainty and increase premiums.”

Meanwhile, New Mexico Health Connections, the insurer that sued over the formula, argued that a Monday release of a report detailing risk adjustment transfers for 2017 shows that the formula disadvantages some plans.
“Getting this program fixed will lead to a more stable and affordable market,” the insurer noted. “It will attract more insurance companies because the risk adjustment will be more predictable and will no longer penalize newer, lower-cost insurance companies with innovative approaches to delivering better and more affordable care.”

*This article was taken from Health News Illinois*

**Managing Cyber and Data Security**

Organizations with significant amounts of personal data, like skilled nursing and other long term and post-acute care (LT/PAC) centers, are appealing targets for cyber-criminals, stated a recent Provider article. This puts them at risk for actual damages, government fines, and private legal actions. It also puts them at risk for damage to their reputations. Who wants to admit themselves or a loved one into a center that has proven to not keep its patients’ health or personal information safe?

The good news, explained author David Hosack, an insurance and risk management professional who specializes in health care organizations, is that there are steps that even the smallest community can take to help mitigate cyber risks and better weather the fallout.

**Assessing Cyber Risk**

Investing time and resources into understanding how at-risk your organization is can save dollars later by focusing other resources into these areas in which the center is most exposed or likely to incur the most damage.

This is an area where engaging a professional will likely yield the best results. There are numerous professionals who offer penetration testing and overall information technology (IT) security analysis, but it is best to go beyond IT issues. Data risk is not limited to the IT department: It is also a cultural and people issue.

**Noncompliance Costly**

Another significant risk to assess is the possibility of noncompliance fines from state and federal agencies.

**Preparing for an Attack**

Few, if any, LTC centers would consider operating without an evacuation plan. Yet, many operate without a post-data breach plan, which helps the community be prepared if and when a cyber-attack occurs. The post-data breach plan—a critical component of the center’s risk management plan—is designed to ensure the company makes it through the incident, especially given that the average cost of a breach within the health care industry is $12.47 million, according to a 2017 report titled, “The Cost of Cyber Crime Study” conducted by Ponemon Institute and jointly developed by Accenture.

Insurance, specifically cyber liability insurance, is often considered to be the solution. However, there is a lot to understand about insurance coverage, limits, and other options to ensure that it will provide the protection the center wants and needs. Second, there are a lot of things that basic insurance policies won’t cover that should be included in any recovery plan.

**Choosing the Right Insurance**

Following the risk assessment, there will be a more detailed understanding of the actual and specific risks the center faces, but it doesn’t stop there. Most LT/PAC organizations should consider at least three areas of coverage. They need to make sure their cyber insurance program provides coverage for losses related to 1.) HIPAA data; 2.) spear-phishing—the fraudulent practice of sending emails ostensibly from a known or trusted sender in order to induce targeted individuals to reveal confidential information; and 3.) the associated business interruption that is likely to result following a data breach.

**Safeguarding the Future**

Part of preparing for an attack should also be minimizing its likelihood of occurring. Besides having a solid insurance program in place, there are other measures that can help. A nonexhaustive list of low- and no-cost options to consider include ongoing employee awareness training; implementing enhanced password protection protocols; locking up computers; eliminating old, nonrequired records (paper and electronic); limiting employees’ access to data; verifying all information/data requests keeping software up to date; and maintaining security on all mobile devices.
After an Incident

In the event of a cyber or data incident, it’s critical that a center act quickly and decisively. Without a plan in place, this becomes extremely difficult.

Given that resources are often scarce, having a fully developed plan is unlikely, but, fortunately, many cyber liability insurance policies essentially contain a disaster plan and road map for what to do immediately following an incident in addition to the financial backing to remunerate and help make the center whole again.

Better policies will provide a “cyber coach” who, in the event of an incident, will share additional resources (typically provided for no additional cost) to help manage the situation. Following an event, the response is to call this coach to help navigate and access a variety of professional and expert resources to mitigate and contain the damages.

The cyber and data breach experts referenced above can help a center arrive at the correct level of transparency that will keep it compliant, minimize additional damages, and mitigate any reputational damage that can result following an event.

For more details, check out the full article from Provider.

Disruption as Innovation: Report Encourages Skilled Nursing to Capitalize on Trends

Skilled nursing providers should capitalize on larger senior living trends — including emerging technologies, business partnerships and recruitment strategies — to ensure their share of the marketplace moving forward, finds a new white paper published by CliftonLarsonAllen.

“We see tremendous potential for disruption within the current senior living environment as the impending pace of change becomes overwhelming to those who are unprepared,” wrote authors Mario Mckenzie and Cathy Schweiger. “In response to this risk of disruption, we are asking senior living organizations this simple question: What business are you really in?”

Long-term sustainability, according to the paper published online last week, will come through a range of strategic resources — be it financial assets, human capital or joining forces with other affiliates or related services that can help enhance market position.

“The significant growth in the ‘longevity economy’ … will attract capital investment, innovation and investment opportunities,” the report said. That means drawing new companies with an eye for entrepreneurial activity.

But the professional services firm reports senior living options without nursing level care appeal to consumers who believe their needs can be met without dedicated skilled nursing or believe that time spent in nursing care will be minimal. That means assisted living operators are embracing the combination of lifestyle and higher acuity care for strong growth in their specialty programs.

But that’s not necessarily bad news for SNFs. They just need to reconsider what consumers want now and in the years ahead, finding ways to reach beyond their walls and develop supports for those who value independence, the authors wrote.

*This article was taken from McKnight’s Long Term Care News.

Daily Aspirin Linked to Higher Melanoma Risk for Men

According to a new study, men who take once-daily aspirin have nearly double the risk of melanoma compared to men who don’t. Women, however, do not appear to have an increased risk in this particular patient population.

Nearly 50 percent of people age 65 and over reported taking aspirin either daily or every other day, according to a 2005 study. In 2015, about half of a nationwide survey of US adults reported regular aspirin use.

“Given the widespread use of aspirin and the potential clinical impact of the link to melanoma, patients and health care providers need to be aware of the possibility of increased risk for men,” said senior study author Beatrice Nardone, research assistant professor of dermatology at Northwestern University Feinberg School of Medicine.
For the study, researchers collected medical record data comprising almost 200,000 patients who were aspirin-exposed or unexposed (control group), ages 18-89, with no prior history of melanoma and with a follow-up time of at least five years.

When the groups were separated into men and women, men exposed to aspirin had almost twice the risk for diagnosis of melanoma compared to men in the same population who were not exposed to aspirin.

The results of the study surprised Nardone, as aspirin is reported to reduce the risk of gastric, colon, prostate, and breast cancer. And some previous studies have reported a reduced risk in exposed men and an increased risk in exposed women. This may be attributable to the variability of the research methods used in studies that look for associations and risks for cancers.

One reason men may be more vulnerable could be related to males (human and animal species) expressing a lower amount of protective enzymes, like superoxide dismutase and catalase, compared to females, explained Nardone.

Nardone suggests increasing patient education about sun exposure, as well as avoiding tanning beds and getting skin checks, though she was quick to point out that this does not mean men should stop their aspirin therapy.

For more information, click here to read the article from Futurity.

July 2018 Observances

July 22 is National Parents’ Day: Since 1994, the fourth Sunday in July has been celebrated as Parents’ Day, celebrating the contributions parents make to the lives of their children. Click here for more.

July is UV Safety Month: To raise consciousness about UV rays and learn how to best protect yourself and others during the hot, sunny summer months, celebrate UV safety this month! Click here for more information.

AHCA/NCAL Information

69th AHCA/NCAL Convention & Expo – Early Bird Registration Ends Tomorrow
Registration is open for the 69th Annual AHCA/NCAL Convention & Expo. This year’s event will be held in San Diego, October 7-10. Join your colleagues from around the country for unbeatable networking, spectacular speakers, on-target education sessions, and a show-stopping Expo Hall filled with solutions to your toughest challenges. You’ll also find lots of opportunities to soak in the sun and charm of your surroundings.

Check out this year’s website for online registration and complete event details. The early bird registration discount ends on July 20.

Provider Magazine Wins Award
Provider magazine has won a bronze EXCEL Award from Association Media and Publishing for its comprehensive cover story on pressure ulcer care, “Building the Best Wound Programs.” This is one of just four awards in the Magazine categories for a feature article for 2017.

The 2017 cover story showcased new therapies and developments in wound care and highlighted the critical aspect of caregivers in sync with residents.

The EXCEL Awards recognize excellence and leadership in nonprofit association media, publishing, marketing, and communications. The competition is open to nonprofit organizations and for-profit industry service partners. Provider Magazine received the bronze award during the Annual EXCEL Awards Gala, held June 25 in Washington, D.C.

2018 NALW – Capture the Moment – September 9-15
Start preparing for the biggest week of the year for AL with the National Assisted Living Week® (NALW) Planning Guide and Product Catalog. This year’s planning guide contains creative activity ideas and spirited products to highlight this year’s theme, “Capture the Moment.” The theme reminds assisted living residents to seize the day while celebrating the
past. And reminds staff to focus on the little, everyday interactions that deliver high quality care in America’s assisted living communities.

**Upcoming Webinars**
- International Dysphagia Diet Standardization Initiative (IDDSI) | August 22, 2018 | 1:00 p.m. CST

**IHCA PAC Information**

Just a few 2018 IHCA PAC events left! Don’t miss out on these great opportunities. IHCA PAC annually puts on a number of fundraising events to promote our political efforts. We are now looking for sponsors (and participants!) for this year's outings. Please mark your calendar for the following 2018 IHCA PAC events:

**IHCA PAC/The Center-PAC Golf Outing - September 10**
For the flagship IHCA PAC event, we plan to return once again to beautiful WeaverRidge Golf Club in Peoria for our fall golf outing. Consistently ranked one of the best courses in the Midwest, this is a round of golf not to be missed. Pricing includes greens fees, golf, lunch and drinks. **$150 per person/$575 per foursome.** You can register [HERE](#) for this year’s outing. Contact Kristin DiCenso with any questions.

**Oksnevad 5K - September 11**
Once again, the Oksnevad 5K will be held on the scenic Peoria riverfront. This year a 1-mile walk will be added for those who would enjoy a leisurely walk while supporting a good cause. To foster the Hollywood theme of this year’s convention, we are once again encouraging folks to dress up for the race as a character from your favorite movie! There will be prizes for best costume and best team costume. T-shirt sizes are preordered so participants will have first come first served privileges. As always, a portion of the proceeds will be donated to the Leukemia Foundation. You can register [HERE](#) for this year’s event. Sponsorships are now available for both convention events, and can be seen [here!](#) Questions regarding sponsorship and registration can be directed to Ashley Snively and Kristin DiCenso.

**IHCA Information**

**IHCA’s 69th Annual Convention & Expo**
Join us September 10-13, 2018 in Peoria for Lights…Camera…Action: Spotlight on Quality. The Preliminary Program is now available ([click here](#)). In it you’ll find the agenda, session descriptions and registration forms for Convention, the annual IHCA PAC/The Center-PAC Golf Outing and the Oksnevad 5k Run/Walk. You can also register using our online system (a new system this year!) and save $50 ([click here](#))!

**Interested in exhibiting?** Booths are still available. If you haven’t reserved your booth space, don’t miss out on this fantastic opportunity! [Click here](#) to view the prospectus!

**ICAL’s Art for the Ages**
ICAL’s new Art for the Ages program was established to recognize the unique talents of the seniors residing in our assisted and supportive living centers. Help us celebrate the talented individuals residing in our assisted living communities around the state by submitting your residents’ masterpieces.

Do you have a painter, sculptor, quilter, knitter or other type of artisan in your community? Art for the Ages will recognize your resident artists for their creative accomplishments and will help bring positive attention to your center.

For more information about the program, [click here](#). If you have any questions, please feel free to contact Ashley Caldwell – [acaldwell@ihca.com](mailto:acaldwell@ihca.com) or 217-528-6455.

**2019 IHCA Membership Directory & Buyers’ Guide**
IHCA is excited to announce its continued partnership with E&M Consulting, Inc. to produce next year’s directory. E&M will be contacting members in the coming weeks about advertising opportunities in the 2019 directory. This gives you a chance to promote your business while supporting the association. If you have any questions or would like to advertise,
please contact Tyler with E&M at 217-391-3719, 800-572-0011 or tyler@emconsultinginc.com. Check out the 2019 Rate Card for information on the available advertising opportunities or view them online here.

**Latest IHCA VCast**

This week's episode had IHCA's Bill Bell giving a regulatory roundup of recent issues. VCast Online: Past VCast emails, with all of the appropriate links, are now available in the IHCA Resource Center. To access the resource center, simply log in to the member portal and click on Resources.

**IHCA's CE Central is Now Available Online**

Starting with the 2017 IHCA Convention and our 2018 educational sessions, IHCA will now offer the ability to access their continuing education certificates online! To access CE Central, go to www.ihca.com/education and click on the CE Central link. Once there, simply enter your first and last name into the system to retrieve your information.

**Infection Preventionist Specialized Training (IPCO)**

The most frequently cited F-Tag in standard nursing facility health inspection surveys under the new survey process is F880 – Infection Prevention & Control. AHCA has designed an important educational tool to support infection prevention and control programs. Their Infection Preventionist Specialized Training (IPCO) program was created to prepare individuals to effectively implement and manage an Infection Prevention & Control program in skilled nursing centers.

The training course registration fee is $450 for IHCA. There are no refunds and no transfers. Payment and registration must be made online in ahcancalED. Group discounts are available for purchases of 25 or more IPCO registrations. The IPCO course can be accessed here.

**LTCNA Offering Core Competency Sessions!**

LTCNA is now offering a la carte competency training sessions with their simulation mannequin, Geri Manikin! Get your nurses the training they need right in your center! The cost will be dependent on the amount of time spent in the center. Charter Memberships are also still available for centers. The fee for the membership is $2,000 and the center will receive 24 hours (4 6-hour days) of simulation time over the course of the year. For more information contact Debbie Jackson at djackson@ihca.com or 800-252-8988.

**IHCA Member Spotlight**

**Calling IHCA Members – We Want to Feature Your Company Here!!!**

Are you looking for a way to reach our members? Well, this is a great way to do just that! Our Member Spotlight gives our members a space to let us know what their company (or facility) is all about! (And to brag a little too if you want to!) Your Company Information could be seen here in a future issue!!

Has your company recently celebrated a milestone? Do you have positive stories or news to share? Would you just like to get your name out there among your fellow IHCA members?

Ready to sign up for a member spotlight?! Contact Ashley Caldwell! Email acaldwell@ihca.com or give her a call today!

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