

WALA ADVOCATE

WISCONSIN ASSISTED LIVING ASSOCIATION • SPRING 2022 VOL. 27 • NO. 1



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CHAIRPERSON'S CORNER

By Crystal Miller, WALA Board Chairperson



I am writing this just before we embark on an exciting week in assisted living, the week of WALA's in-person spring conference! It has been two years since we made the necessary decision to delay in-person meetings, yet we had no idea what was ahead of us! While we all know that there are still difficult days ahead, it is a comfort to know that likely the worst ones are behind us. As we approach this next season of a "new normal", we are equipped with the confidence that we've gathered on the journey. As I personally reflect, I know that the most challenging part of dealing with the pandemic, especially the early days, was the unknown. There is so much power in knowing – the phrase, "when you know better, you can do better" is totally true! So, now that we know, what will we DO better in? Ask yourself this and reflect on your answers, they may be different for everyone. I often tell my team, "We can't waste a crisis, what can we learn?" The lessons we learn during a crisis are often things that make us stronger. We're on the other side now, so let's use all that we've learned for the good of our industry. We are tough and resilient, and we proved it in greater ways than we could have imagined.

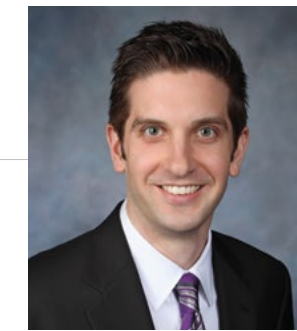
As you may have noticed, this is my first note to you in this "president's corner". It is a joy to serve our industry as a board member for WALA and recently I was installed as the new President of the Board. Thank you to those who have served before me, particularly in this most recent and trying

term. Pam Preston did an excellent job leading our Board and this organization through the last two difficult years. WALA has had a lot of wins recently, particularly in areas of advocacy with our Wisconsin and national legislators. More than ever, our legislators realize the value of the work that we do and the need to support legislation that positively affects our industry. We sometimes think of that support as financial related but just as often it is supporting (or limiting!) regulatory policy that can significantly affect our success.

As we talk about how important our advocacy work is and the way that it personally affects you, it's a great time to remind you that you can make an even greater difference when you personally donate to our PAC. "PAC" stands for political action committee, and it is the vehicle that WALA uses to financially invest in legislator's campaigns. This investment often opens doors of communication that gives us a "bigger seat at the table" and these conversations have significant impact on positive outcomes. You can donate at <https://www.ewala.org/advocacy>. A little can go a long way so you should feel confident that your personal contribution is worth it. In my experience, my own financial investment has empowered me to be involved. This is an election year, and you can make a difference with the legislators that want to represent you. WALA will equip you with the talking points you need. Stay tuned for ways to be involved!

CEO CORNER

By Mike Pochowski, WALA President & CEO



Thank you to everyone who joined us in-person at our 2022 Spring Conference. I cannot believe it has been 3 years since we have been able to be in-person at our annual spring conference. It was great to see and host 600+ assisted living professionals and industry experts. We were excited to have 100 exhibitors, 40 educational sessions, and a number of great networking opportunities – notably kicking off the conference with The LoveMonkeys. Further, it was wonderful to celebrate the 3rd Annual Hero Awards. Thank you to all of our attendees, sponsors, exhibitors, speakers, and volunteers for making the conference a huge success.

We are looking forward to our upcoming 2022 events:

83.15 CBRF Administrator Course

April 2022 - Brookfield, WI

October 2022 - Deforest, WI

22nd Annual Autumn Golf Classic

August 31, 2022

University Ridge Golf Course - Madison, WI

Fall Conference

September 21st and 22nd - Brookfield, WI

You can find more information about these events on the WALA website – www.ewala.org

In addition, I wanted to highlight some of our initial advocacy successes in 2022.

This includes passage of Assembly Bill 720 which allows military medical personnel to temporarily practice, utilizing their military medical skills and training, without having to first obtain a license. Due to WALA's active advocacy, we were able

to ensure assisted living facilities can participate in this program. I appreciated the opportunity to be invited to join Governor Evers for the signing of this bill.

We are pleased to report that Assembly Bill 960, which WALA actively supported, was recently signed into law. Wisconsin law already stipulated a Class H felony for battery against a nurse and emergency care and emergency department providers. The signing of Assembly Bill 960 (now Wisconsin Act 209) expands this protection to all health care facilities, a staff member of a health care facility, and family members of a staff member who works at a health care facility. "Health care facility" includes all licensed Wisconsin assisted living facilities, including: adult day care centers, adult family homes, community-based residential facilities, and residential care apartment complexes.

Thank you for your continued support and membership in WALA, we greatly appreciate it.



WALA MISSION STATEMENT

Wisconsin Assisted Living Association's mission is to support providers in enhancing the best quality of life for residents in assisted living in Wisconsin through advocacy, education, communication, and quality initiatives.

Effective 2020, the WALA Watch is now the WALA Advocate. The WALA Advocate is the newsletter of the Wisconsin Assisted Living Association. Published in April, August, and December by the Wisconsin Assisted Living Association. Reprint permission available from WALA. All rights reserved. Promotional information and rates are available by contacting WALA. We reserve the right to decline promotions submitted for publication.

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THE LEGAL EDGE

The Legal Edge is a regular feature column authored by the Assisted Living and Long Term Care Group at the [Reinhardt Boerner Van Deuren law firm](https://www.reinhardtboerner.com) featuring Bob Lightfoot, RN. Bob Lightfoot can be reached at 608-229-2257 or rlightfoot@reinhardt.com.

REGULATORY ACUMEN

Regulatory Acumen. It's a strange combination of words. Yet these two words describe precisely how assisted living communities should think and react consistent with the current assisted living regulatory environment.

The Cambridge Dictionary defines acumen as "skill in making correct decisions and judgments in business or in a particular area of business". As applied to assisted living operations, it should mean being aware of the current regulatory environment, applying and monitoring compliance with the regulations in a manner that works for your community, and adjusting, adapting or changing the way you maintain regulatory compliance within the current regulatory framework. Not an easy task for sure.

At the recent WALA Spring Conference, new BAL Chief, Dan Perron, shared his "State of Assisted Living 2021". Mr. Perron's presentation was packed with information including current regulatory trends, statistics on complaints, self-reports, enforcement, new BAL initiatives, and my favorite (and I'm sure yours) the "Top 10" list of citations for CBRFs, AFHs and RCACs.

No surprise, for CBRFs, ISPs remain a top 5 cite coming in at #1. Training, drills, medications and storing toxic substances round out the top 5. For AFHs, again, no surprise. Homelike and safe environments top the citation charts, with training and staff health screening close behind. For RCACs who generally have fewer citations, provision of services and resident rights were the top citations. For a complete list of the "Top 10 Cites and BAL Trends and Statistics" visit: <https://www.dhs.wisconsin.gov/publications/p01726.pdf>

Armed with Mr. Perron's regulatory information, it's time to put that Regulatory Acumen to work. How are you going to use the information to tweak and adjust your processes and procedures to maintain compliance? Will you make correct decisions and judgments and take the information to heart, or will you simply sit back and hope for the best?

One way to sharpen your Regulatory Acumen is to create or formalize a Quality Assurance/Quality Improvement (QA/QI) Program in your community. In fact, DHS recommends QA/QI for assisted living, and provides tools to get you started. Information on the DHS website to get your QA/QI Program started can be found here: <https://www.dhs.wisconsin.gov/dqa/qa-qi.htm>

Being a member of WALA is only a start. Consider [WALA's Diamond Program](#) for quality improvement, for example. With the current assisted regulatory environment, and as we slowly emerge from the pandemic, this is not the time to rest on your laurels. It's time to develop and hone your Regulatory Acumen.

PLACEMENT – A VALUABLE RESOURCE OR AN UNNECESSARY EXPENSE?

Kim M Seidl, CPRS, Owner and Executive Director, CarePatrol of Greater Milwaukee & SE Wisconsin

No one could have foreseen in 2019 what just two years would bring to the assisted living industry. Post pandemic profitability is squeezed with the pressure of rising labor cost, availability of a skilled workforce, and an aging population with increasing acuity levels. The margins are changing as rising costs challenge operators to reduce or eliminate unnecessary expenses. The question of whether to pay a placement fee to an agency begs an answer, and perhaps a deeper look into the cost benefit analysis of working with placement as a resource for prequalified move-ins to supplement your marketing efforts.

First, there is no doubt of an emerging “Silver Tsunami” and a growing assisted living industry. According to the National Institute on Aging (NIA), globally around 8.5% of the population is aged 65 years and above and 10,000 people will turn 65 every day until 2030! Current data indicates 27 million seniors will need care by 2050 and two million housing facilities will be needed for senior residents for adequate living space by 2040.

At the same time, an emerging senior placement industry continues to grow. CarePatrol, started in 1993, has been a pioneer in the industry and is based on a person-centered social work model. A CarePatrol client has been thoroughly vetted for their appropriateness to an assisted living community. This includes current acuity as well as potential future care needs due to the progression of a diagnosis or disease. The client also has financial resources to meet the cost of care and community’s financial parameters should the resident transition to Family Care. Values and preferences are taken into consideration for the satisfaction of not just the senior but also their spouse or family members and a “good fit” for the community. When a Senior Care Advisor calls to arrange a tour for their client, not only will they accompany them and serve as a liaison, but they will not waste the time of the client or marketer by presenting multiple communities with disregard for the appropriateness of those options. CarePatrol Senior Care Advisors facilitate communications between a client, community, and healthcare professionals for a seamless, on time move-in. As an extension of a community’s marketing team, Advisors also act as a liaison for post-placement follow-up to potentially troubleshoot problem areas and ensure the satisfaction of the new resident and their family.

So is placement a financially viable use of marketing – or an unnecessary expense?

Current statistics indicate a national average length of a stay in an assisted living facility of 22 months. The average monthly cost in Wisconsin is \$4,400, or \$52,800 annually. This equates to the value of a resident move-in to be \$96,800. With a maximum placement fee of 100% first month board and care, **this equates to a cost of only 4.5% and an ROI of \$22 for every dollar spent.** (AHCANCAL, Genworth)

Time is money. In a 2019 survey conducted by Senior Care Growth, the **average sales cycle for over 40% of senior living leads will take 3-6 months to make a decision.** A consumer reviews an average of 14 communities online and CarePatrol eliminates the confusion by generally recommending the top three matches with a move-in occurring in just 2-3 weeks after identification of appropriate communities.

The actual cost of a prequalified new resident from a placement company such as CarePatrol is minimal when compared to a community’s overall marketing budget including the expense of web-based lead lists. Placement is a viable and productive expense and CarePatrol has set the bar for the industry to supplement marketing efforts by touring prequalified new residents to meet financial and operational goals. **Together we will face meeting the care and housing needs of a growing Silver Tsunami, and CarePatrol will transform your census challenges into placement solutions.**



Kim M Seidl, CPRS, Owner and Executive Director, CarePatrol of Greater Milwaukee & SE Wisconsin (2020, 2021 Top CarePatrol Office, Franchisee of the Year) Kim and her husband Todd have owned successful senior home care and placement businesses since 2007. She is an NPRA Certified Placement and Referral Specialist.

American Health Care Association & the National Center for Assisted Living (AHCANCAL), “Facts & Figures.” Accessed 4/28/21
Genworth, “Cost of Care Survey: Ranked State Data Tables” Accessed 4/28/21

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4 EASY WAYS TO MANAGE FOOD SUPPLY SHORTAGES & PRICE INCREASES

Martin Bros. Distributing

Where's the beef? About forty years after gaining commercial stardom, this catch phrase has recently become a literal phrase in the world of food supply. COVID-19 continues to face strain within the world of distribution. Manufacturers have had to scale back on product SKUs while reducing production to meet COVID-19 safety standards. Transportation costs have increased, the cost of raw materials has increased and the labor force has decreased. These factors have all contributed to product shortages and price increases in many food service categories. Here are some tips to help you manage your menu as well as your food costs:

1. Keep your menu simple.

Modify your menu listing to be more general. This will allow for adjustments that may need to be made to your menu.

2. Make your menu flexible.

Include "vegetable" or "fruit of the day," or "chef's choice



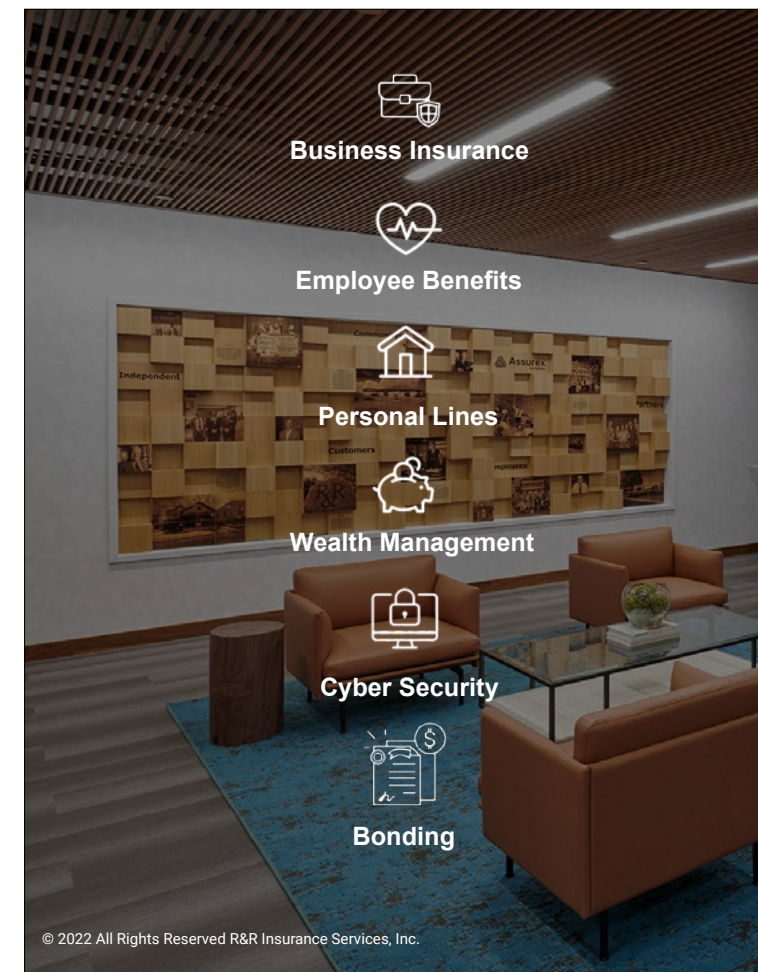
entrée or dessert" so you can use products that are available or create your own blend utilizing the products available.

3. Have a backup plan.

If a unique product is on the menu, have a speed scratch recipe available as an alternative.

4. Consider using one product and low-cost items several ways.

For example, you could use chicken tenders in a wrap, in an entrée salad or as a standalone item. Incorporate lower cost products such as ground turkey and/or pork with ground beef in dishes such as casseroles and meatloaf. This will help increase the variety of choices while allowing you to keep costs down.



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7 WAYS TO BE POSITIVE IN THE WORKPLACE

Dave Molenda, CPBA, CPDFA, CPEQA, Positive Polarity

Positivity in every shape and form can lead to tremendous things in the workplace. Being positive not only effects your life personally, like having fewer heart problems and being less sick, it rubs off to the people you are around and working with. According to Gallup, negativity costs the U.S. economy between \$250-\$300 billion every year in lost productivity! If being positive in the workplace doesn't come as second nature to you, here are 7 easy ways to change that.

1. Show Gratitude

Simply showing or receiving gratitude expands your happiness and transforms your ways of thinking. Gratitude is great in the workplace because it develops respect, trust, and mutual appreciation among your peers. Team members stay passionate about their work when they feel heard, valued and trusted, mirroring the company's goals and working at a higher level of excellence.

2. Use Positive Language

Words are powerful. Communicating in a positive and constructive way by being personal, encouraging, passionate and empowering will change the way your listeners receive feedback. For example, instead of saying "why not", try saying "sounds good." Instead of saying "no problem", try saying "definitely". Even the smallest word changes make a big difference when it comes to human interaction.

3. Catch Each other Doing Something Right

A simple "thank you" or compliment goes a long way. We all crave some recognition or praise for our efforts. Making it a habit to genuinely thank each other every day for the work you all do, can be immense in boosting morale. Always remember that part of practicing thankfulness is learning to realize when you are thankful for something.

4. Appreciate Every Victory

It's easy to celebrate a major milestone, but remembering to celebrate the steps along the way can be difficult. Remember to always appreciate the little wins and give recognition to the employees who might be behind the scenes of a big accomplishment. Appreciate the little wins by noticing them, establish a habit of doing it daily, live in the present and show how the small victories lead to the large one.

5. Smile

The simple act of turning your frown upside-down helps boost positive thoughts and feelings because it tricks our



mind into feeling happier. On the outside, you should smile at work because you never know who is watching you, smiling helps others relax, it draws people to you, it indicates confidence and it's contagious.

6. Develop Strong Relationships

This is obvious as its easy to be positive while being around people you care about and trust. Developing strong relationships begins with 5 pillars: trust, mutual respect, mindfulness, open-mindedness, and honest communication. By mastering these simple, human things, you'll begin to see yourself interacting and being more personable with others.

7. Know Your Mission

Don't forget why you're working in the first place and why you were hired. Understanding the "why" behind what you do helps spread positivity - even on the worst workdays. Companies whose employees understand the missions and goals enjoy a 29% greater return than other firms (Watson Wyatt Work Study). When the office is down in the dumps and needs a positive pick-me-up, remind yourself and others of the "why" behind your company and jobs.

Dave Molenda is the founder of Waukesha-based Positive Polarity, Amazon #1 selling author, and host of the Positive Polarity podcast. To learn more about ways to be positive in the workplace, visit Positive Polarity online or contact Dave at 262-522-7676.



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WALA SPRING CONFERENCE

MARCH 22-24, 2022

Back in-person for the first time since 2019, WALA is pleased to have presented our 2022 Spring Conference at the Kalahari Resort in the Wisconsin Dells. The time we shared together was both energizing and engaging. It is always an honor to serve our members and the greater provider community.

We hope you were able to make valuable connections, enjoy informative breakout sessions and even get your groove on with The LoveMonkeys. WALA is grateful for your continued support and we look forward to sharing more great events and experiences with you soon.

We want to thank our attendees, talented speakers, generous sponsors, exhibitors, and volunteers for gathering together and working so hard to make this event such a success. We are always interested in your feedback. If you have ideas or thoughts you would like to share, please contact us at info@ewala.org.



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MAINTAINING RESIDENT RIGHTS WITH A POSITIVE WORK ETHIC

By Angie Jopke, Alea Training & Consulting, LLC

As people begin to age, they may need additional assistance requiring placement in an assisted living care setting. Maintaining resident rights is a necessity in all facilities including a caregiver's positive attitude and work ethic. Resident rights provide privacy and confidentiality for the resident, promote quality of life, and set standard rules for a caregiver to follow.

Resident rights, professional values, and ethics are all learned and therefore an important training topic. Sometimes the definition of professional values and ethics is unclear to caregivers. In simple terms, these are a set of moral principles that help determine the difference between right and wrong. All employees must have a degree of professional values and ethics so that they can work as well as possible from day to day without compromising themselves, residents, or the facility that they work within.

Over-involvement or under-involvement are professional boundaries that must be learned to avoid unhealthy resident relationships. When a caregiver becomes overly attached to a specific resident, he or she can as a result end up hurting their career, the resident they are assisting, and the facility that they work in. Under-involvement can result in caregiver misconduct.

Professional boundaries are the spaces between the caregiver's power and the resident's vulnerability. Caregivers must be seen as professionals in the resident-caregiver relationship which is meant to carry out a therapeutic relationship with each person in their care. There are also professional boundaries that are not meant to be crossed.

Boundary crossing includes sharing personal information, emotional reactions, gifts and favors, and negative attitude. The way that the caregiver handles situations also shows how well they can work with the guidelines set forth for them. The

more that a caregiver follows professional boundaries and ethics the more trust will be gained by fellow employees and residents.

Here is a scenario of boundary-crossing to consider; a medication passer approaches a resident with her morning medication. The resident asks if her morphine pill is included. The caregiver acknowledges that it is.

The resident requests not to take it because it makes her feel dizzy and she is afraid of falling. The medication passer states she is required to take her morphine as it is prescribed by her doctor. The discussion continues until the medication passer states she will remove the morphine from the other pills. After the medication passer walks away, she shares with a fellow co-worker that the resident did not want to take her morphine so she pretended to take it out but she really administered it. Both employees laugh and continue with their day.

Not only did the medication passer violate the rights of privacy and confidentiality, but the resident also has the right to refuse medication. This was detrimental to the resident who was deceived and to the facility. This could also potentially cause the medication passer to lose her job. It is essential that professional values, ethics, and resident rights are maintained in all aspects of caregiving.

An assessment of hiring practices and ongoing training regarding professional boundaries, personal ethics, and resident rights guides care staff to make better decisions for the overall care and well-being of each resident. As incidents of caregiver misconduct increase, it is now time to evaluate training on this topic. It is important to always consider the fact that residents' rights, their privacy, and quality of life are three of the utmost important aspects of caregiving to be maintained in order for both residents and care staff to succeed.

2022 HERO AWARD RECIPIENTS

The Assisted Living Foundation of Wisconsin presented the 3rd Annual Hero Awards at the 2022 WALA Spring Conference. This special recognition ceremony was made possible by Foundation President, Cindy Senke and sponsored by Mosaic Management Group and SFM. These honorees represent an exceptional spirit of caring and generosity in our industry. It was a great privilege to recognize the outstanding achievements of these special people.

And while there is not an award for each of you, we do want to sincerely thank you - all of the heroes of assisted living - for all that you do everyday to enrich the lives of residents, tenants and clients throughout the state of Wisconsin and beyond.

We hope the stories of the 2022 Hero Awards recipients left you inspired and encouraged to think about nominating a hero in your community in 2023!



L to R: Cindy Senke, Assisted Living Foundation of WI/Mosaic Management Group; Jolene Kamp, Copperstone Communities; Kay Wulff Capri Harbor Campus; Connie Hering Waterford Senior Living; Miqueila Rodriguez Beloit Senior Living; Mike Pochowski, WALA



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And it's not just building materials. Consider the volatile prices of gasoline. Natural gas. Everyday items. It's a mad, mad, mad world out there!

Material shortages and supply chain disruptions are a current fact of life. Today more than ever, it's important for contractors to consider alternative materials and construction methods in order to deliver the highest performing building at the best value for our client partners.

At Consolidated Construction, our expertise designing and building senior living, multi-family, and hospitality properties have taught us to seek out and use many alternative materials and building methods to circumvent supply chain disruptions, reduce energy costs, and deliver better quality projects.

Here are just a few examples:

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Modular construction is a process in which building components are constructed off-site, under controlled conditions, then assembled on location. They use the same materials and are designed to the same codes and standards as conventionally built facilities, but in about half the time. The factory-controlled process generates less waste, creates fewer site disturbances, and has less impact on our environment.

Structural Insulated Panels (SIPs):

SIPs panels consist of an insulating foam core sandwiched between two structural facings, typically oriented strand board (OSB). SIPs are manufactured under factory-controlled conditions and can be fabricated to fit nearly any building design. The result is a building system that is extremely strong, energy-efficient, and cost-effective.



Insulated Concrete Forms (ICF):

ICFs are forms used to hold concrete that remain in place permanently to provide insulation for the structure they enclose. They also enhance the strength of the structure and provide sound blocking and energy efficiency, while protecting the building from mold, rot, mildew, and insects. The forms themselves are light weight for easy shipping and erection.

Cold Formed Steel (CFS):

CFS, or metal stud framing, are produced via processes such as stamping, rolling, and shaping. CFS steel studs are sturdy and reliable construction material used widely in the foundation and framing of modern buildings. CFS is arguably one of the most sustainable and increasingly popular contemporary building products, making it a strong, durable, and lightweight alternative to lumber.

Contractors tend to build what they know, not necessarily what is best for a particular application. By tapping the knowledge of a design-builder with broad expertise across many construction markets, you can employ alternative materials and methods in your building project to avoid the economic and supply chain heartburn that has negatively impacted so many recent projects, resulting in a better quality project.



Tim Rinn is Director of Senior and Living Communities at Consolidated Construction Co. Inc. He has helped developers, owner/operators, faith-based organizations, nonprofit, and for-profit companies plan, fund, design, and construct facilities for more than 25 years. He is an active member of the Wisconsin Assisted Living Association (WALA), Wisconsin Healthcare Engineering Association (WHEA), National Investment Conference (NIC), Argentum, the Alzheimer's Association, the Fox Valley Senior Resource Network, and Leading Age Wisconsin.

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DIAMOND SPOTLIGHT

It's hard to believe that it has been three years since we have been able to meet in-person for our annual WALA Spring Conference in the Wisconsin Dells. Being able to connect face-to-face was a truly a delightful experience and I hope everyone left renewed and reenergized.

One of the many highlights of the 2022 WALA Spring Conference was the chance to recognize the communities that have been Diamond Accredited. Since its inception, the Diamond Accreditation Program has sought to recognize those providers who have strived to make quality part of their organization's culture. Through the ups and downs, trials and tribulations of the last few years (and beyond!) these accredited communities have faced the challenges head on and continued on their mission to provide high quality care and services to their residents, tenants and staff. It was an honor to give our Diamond Accredited communities their well-deserved moment in the spotlight in front of their peers and industry professionals.

You can learn more about these communities by visiting the Diamond Accredited Community page on the [WALA website](https://www.wala.org). Interested in accreditation for your community? We are currently accepting applications for 2022. [Contact WALA](https://www.wala.org) for more information.

UPCOMING DIAMOND EVENTS YOU WON'T WANT TO MISS:

- MAY 12**
NEW FOR '22! Diamond Discussions: Quality in Dining Tackling More with Less with Christy Edwards, RDN, CD
- AUGUST 10**
Diamond Discussions: Refresher for New Communities and Leaders
- AUGUST 24**
Diamond Discussions: Open Forum for QI Projects, Goals & Resources
- NOVEMBER 9**
NEW for '22! Diamond Discussions: A Practical Approach to Staffing & Employee Retention with Great Lakes Senior Living

[Learn more and register online today!](https://www.wala.org)



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L to R: Tom Kosman, The Cottages; Denise Barnes, Milton Senior Living; Amber Parker, Beloit Senior Living; Tabbatha Clayborn, Waterford Senior Living & Memory Care; Angela Franz, Valley VNA Senior Care; Charlotte Moore, Moore Genuine Care; Erin Boutan, WALA; Erica Falk-Huzar Deer Path Integrated Living; Mike Pochowski, WALA (Not pictured: Presbyterian Homes & Services: The Deerfield)

OSHA ANNOUNCES FOCUSED INSPECTION EFFORT FOR HOSPITALS AND NURSING CARE FACILITIES FROM MARCH 9TH TO JUNE 9TH

By Marleah Keuler-Grahek

The U.S. Department of Labor announced its effort for short-term “highly focused inspections” and enforcement in hospitals and nursing care facilities while they work to finalize a permanent healthcare standard. These inspections will be focused on protections for workers against COVID-19 hazards, and will be taking place from March 9th through June 9th of 2022. Note: Follow-up onsite inspections will be conducted at facilities that were previously issued citations, as well as where complaints were received but OSHA did not conduct in-person inspections.

NAICS Codes Under Focused Inspection Effort:

622110 General Medical and Surgical Hospitals
622210 Psychiatric and Substance Abuse Hospitals
623110 Nursing Care Facilities (Skilled Nursing Facilities)
623312 Assisted Living Facilities for the Elderly

It is recommended that providers who fall into this category promptly review and assess the following for their organizations, as these are the areas Compliance Officers will be focused on during inspections:

- Previously cited COVID-19-related violations have been corrected or are in the process of being corrected, and the correction remains in place. Any COVID-19-related complaint items have been corrected.
- A COVID-19 plan remains in place that includes preparedness, response, and control measures regarding COVID-19.
- Control measures are in place and are effective, including procedures for determining vaccination status. OSHA states that “verification of vaccination protocols may be an indicator of a facility’s overall COVID-19 mitigation strategies,” and that they will refer any vaccination-related deficiencies to the Centers for Medicare and Medicaid Services (CMS). While assisted living entities are not required to comply with the CMS vaccination mandate, it is recommended to have a system in place to track employee vaccination rates and to encourage vaccination.
- Log of all employee COVID-19 positive cases (work-related and non-work-related), the OSHA 300 Log and OSHA 300A Summary for calendar years 2020, 2021, and 2022. It is

Why the continued focus on healthcare?

2020 BLS Statistics

- Nursing assistants had the highest number of days away from work (DAFW) of all occupations
- DAFW cases for RNs increased by 290%
- Total injury/illness cases for healthcare and social services increased 40%, while cases in all other private industries remained the same or decreased

recommended to have documentation of the facility’s assessment in determining whether a positive employee case was work-related or not.

- Procedures for conducting hazard assessments and protocols for personal protective equipment (PPE) use. Compliance Officers may review documentation of any procedures or efforts made by the employer to obtain and provide appropriate and adequate supplies of PPE. They will look to ensure employees and visitors are required to use face coverings or facemasks in accordance with CDC guidance.
- Respiratory Protection Program- written policy/procedure, medical evaluations, fit tests, employee training records, and proper use of respirators. Employees will likely be interviewed regarding their knowledge and compliance with this standard.
- Procedure and documentation is in place for screening workers and/or any measures to facilitate physical distancing (e.g., barriers or administrative measures to encourage 6-foot distancing).

During an inspection, Compliance Officers will also complete a limited walkaround of areas designated for COVID-19 patient treatment or handling (common areas,



walkways, and vacant treatment areas where patients have been or will be treated), including performing employee interviews to determine compliance. The scope of an inspection may be expanded where plain-view hazards are identified during the walkaround, or where information obtained from workers indicate deficiencies in compliance.

While the [OSHA Healthcare ETS has expired](#), OSHA will accept continued compliance with the Healthcare ETS as satisfying employers’ related obligations under the General Duty Clause, Personal Protective Equipment and Respiratory Protection standards.

A link to the full memorandum can be found [here](#).

This enforcement notification applies currently to states covered by federal OSHA, and M3 will continue to monitor for adoption by OSHA-approved State Plans.

Quick Tips to mitigate risk when OSHA comes knocking



- Contact M3 immediately to guide you through the process
- Educate employees to bring the Compliance Officer to a conference room until whoever is designated to manage the inspection arrives
- Determine the scope of the inspection and limit inquiries as applicable
- Do not allow the Compliance Officer free reign of the building, accompany them
- Set ground rules and expectations with the Compliance Officer
- Prepare employees if Compliance Officer plans to conduct interviews
- Review COVID-19 protocols as listed above for compliance

Mergers & acquisitions (sell-side and buy-side)

Corporate restructurings

Partnership development

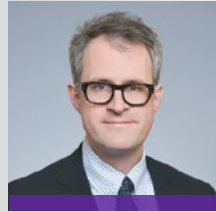
Debt placement (Bank and Agency)

Equity raises

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Registration is limited so [visit us online](#) to learn more and to secure your spot in an upcoming course.

UPCOMING 2022 COURSE DATES:

IN-PERSON – APRIL 2022 BROOKFIELD, WI
 April 5, 6, 7, 12, 13, 14, 19, 20, 21

IN-PERSON – OCTOBER 2022 DEFOREST, WI
 October 11, 12, 13, 18, 19, 20, 25, 26, 27



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