

Inspection report shows MU Health deficiencies

By Jodie Jackson Jr.

University of Missouri Health Care officials said yesterday that items flagged in a recent complaint-initiated inspection of the surgery department at University Hospital have been corrected.

A recent visit to MU Health facilities resulted in a report from the federal Centers for Medicare and Medicaid Services flagging multiple issues, including:

- Failure to meet sanitary standards for surgical suites, procedure rooms, kitchens and similar areas created conditions “potentially affecting staff, visitors and patients.”
- “A layer of thick dust” was on the surface of an anesthesia cart and a video device above the surgical table. “When the surfaces were wiped, dust particles fell to the floor and onto the surgical table.”
- “Dirt, food crumbs and dust blackened the corners, borders and tile grout” in a kitchen at University Hospital.
- A number of outdated sterile devices and other outdated supplies, some dating to 2005.
- “Failed to ensure the integrity and cleanliness of surgical suites, procedure rooms and sterile processing department.”
- “Residue and debris on sterile instruments in sterile surgical containers.”
- A device containing bloody abdominal drainage was placed in the trash can in a patient’s room, without emptying the contents down a drain.
- “Dirty instruments in sterile trays, specifically orthopedic (bone) trays.” In one documented case, “three out of three trays in one day had instruments with bone or cement on them.”
- A technician washed dirty surgical instruments with gloves on, then opened a door and answered the phone without removing the wet gloves.
- Staff member said she had not seen “any type of advanced cleaning on the floor of Sterile Processing Department since she started there a year ago.”

— Jodie Jackson Jr.

The findings included an orthopedic tray that had “instruments with bone or cement on them,” as well as improper handwashing procedures, adhesive tape residue on medical equipment and general housekeeping deficiencies, among other things.

Jim Ross, CEO of MU Health, said hospital officials are waiting for a follow-up inspection by the Missouri Department of Health and Senior Services on behalf of the Centers for Medicare and Medicaid Services.

A Dec. 29 letter from the Centers for Medicare and Medicaid Services to a former MU Health employee said the surgery department was not in compliance with infection control standards and that MU Health could be in danger of losing Medicare reimbursement for its services.

However, the letter that notified MU Health about the preliminary findings did not point out possible impact on Medicare reimbursement.

“We’re asking CMS for some clarity on the matter,” Ross said.

The report does say, however, that MU Health failed to meet several standards of infection control, housekeeping and maintenance of University Hospital, Ellis Fischel Cancer Center, the Missouri Orthopedic Institute and Women’s and Children’s Hospital (formerly Columbia Regional Hospital). Specific areas of concern included surgical suites, the burn intensive care unit, children’s neonatal ICU, the same-day surgery unit and the Digestive Health Center.

The Centers for Medicare and Medicaid Services report MU Health officials provided said that the complaint brought by former employee Sam Backucs was “unsubstantiated” but that there were “unrelated findings” of violations of infection control standards.

“They found dust and dirt in places they didn’t like,” Ross said, adding that administrators considered each finding serious. “CMS told us these things are serious, so we’re taking them that way.”

Hal Williamson Jr., vice chancellor of the MU Health system, said the hospital was told not to file a plan of corrective action, which is typically done after deficiencies are reported. In fact, the Centers for Medicare and Medicaid Services typically does not release its reports to the public without also listing the plan of corrective action.

“There are a lot of things in” the report, “and we may not agree with some of it,” Williamson said. He said eight “surveyors” from DHSS were on site for five days in early November.

Les Hall, chief medical officer for the health system, said the hospital’s infection reports it submits to regulatory agencies show the hospital does not have an infection control problem. “We’re already implemented corrective action on everything” in the 47-page report, he said.

Ross said he had a strong endorsement for the hospital's practices. "My wife actually had surgery here after this report," he said. "Our reputation for patient safety is everything."

The letter to Backues on Dec. 29 was signed by Mary Woltje of the Centers for Medicare and Medicaid Services regional office's division of survey, certification and enforcement. In her letter, Woltje said state investigators will conduct an unannounced "revisit" to the hospital "to assure it comes into compliance with federal regulations."

Backues was a certified sterile processing technician at university-owned Columbia Regional Hospital in 2006 and 2007 and at University Hospital in 2007 and 2008.

"I'm glad to see things moving forward in patient safety," Backues said yesterday in response to the Centers for Medicare and Medicaid Services report. "That's the main goal, obviously."

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Few UM fiscal complaints result in action

By [Janese Silvey](#)

Fourteen allegations of fiscal misconduct across the four campuses were reported to the University of Missouri System in 2010, but most were deemed unsubstantiated.

The university's three-year-old fiscal misconduct reporting system allows employees to anonymously file complaints if they suspect co-workers of misusing university resources. UM pays a third party, Global Compliance, \$6,700 annually to operate the program, said Nilufer Joseph, director of fiscal services.

The reporting system allows would-be whistleblowers to call the hotline or complete a form online. Reports then go to campus administrators for investigation and back to Joseph for review.

The hotline isn't meant to supersede campus processes but to provide another tool, Joseph said.

"This hotline provides an additional avenue for employees to report any misconduct they see," she said. "The anonymous feature gives them the ability to report issues" when employees do not feel comfortable going to supervisors.

Administrators did not think action needed to be taken in all of the Columbia and MU Health Care complaints lodged last year. Those included allegations of a director using staff and university equipment for personal use, an allegation that a university employee falsified timesheets and a complaint that a university system director failed to disclose budget and financial matters to administrators and employees.

Three of the four cases in which action was taken occurred on the Missouri University of Science and Technology campus in Rolla.

In one case, someone reported that Missouri S&T was losing revenue because parking tickets weren't being posted to student accounts in a timely fashion. The February complaint was called in during a transition between campus police chiefs, school spokeswoman Mary Helen Stoltz said. Current Chief Christine Laughlin took the position in March and now receives a regular report from the parking supervisor, Stoltz said.

"The process is working, and revenues are coming in like they should," she said.

The university also took action on:

- An allegation that a Missouri S&T employee accepted tickets to a professional hockey game from a vendor in 2007, a gift valued at an amount higher than allowed under university policy.
- An allegation that a Rolla employee bought a new digital camera for his or her department but then took it home for personal use.
- A complaint that UM-Kansas City employees and students improperly purchased items with personal credit cards and claimed tax exemption because of their university affiliation.

Joseph would not specify what types of action were taken in those cases.

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Tuesday, Jan. 11, 2011

Is Missouri Ready to Raise Its Very Low Cigarette Tax?

By Karen Ball / Jefferson City

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At the Welcome Smokers shop on Missouri Boulevard in the Missouri state capital, a pack of Marlboro reds, the world's most popular brand, costs \$5.14. By contrast, a pack of the same cigarettes runs as much as \$13 on the Upper East Side of Manhattan.

"If this is a race to the bottom, we win," Missouri state representative Mary Still, a Democrat from Columbia, groused in a recent editorial, referring to the fact that Missouri now levies the lowest cigarette tax in the U.S.: 17¢ a pack. Missouri won this distinction this past summer when South Carolina lawmakers — shrugging off the influence of the state's tobacco growers — overrode outgoing Republican governor Mark Sanford's veto and raised its tax by half a buck per pack, from 7¢ to 57¢. New York has the highest cigarette tax, at \$4.35 a pack; the national average is \$1.45 a pack, according to the Campaign for Tobacco-Free Kids. ([See the top 10 campaign ads.](#))

At a time when even Deep South tobacco states are turning on the golden leaf to jack up so-called sin taxes, many people find it baffling that Missouri — known more for its waves of soybeans and corn — remains determined to keep its cigarette taxes (and beer taxes too) at permanently low levels. Especially since the state is facing a budget shortfall of as much as \$600 million next year.

Both at the polls in statewide referendums and in the legislature, efforts to boost cigarette taxes are repeatedly shot down. Still is trying again in 2011: she's drafting a bill that would hike the tax by 12¢ each year for eight years. But antitax Republicans control both legislative chambers, and Democratic governor Jay Nixon has taken a no-new-taxes pledge. A spokesman for the governor, Scott Holste, wouldn't touch the tax idea with a 10-foot pole. "We're just not gonna weigh in on that right now," he said. ([See pictures of vintage pro-smoking ads.](#))

"There is absolutely no appetite for it — zip, zero, none," says a GOP lawmaker who recalls the time he made the mistake of telling his Republican brethren that he had no objection to a tax hike

on smokers. "They almost laughed me out of the room," he says. "They said, 'Please don't ever say that out loud again.' "

The University of Missouri, which is staring at a potential \$50 million cut from the state next year, recently hosted area lawmakers to brainstorm ideas for closing the budget gap. The cigarette tax came up because it seems to be low-hanging fruit, given the high social costs of smoking. According to the Centers for Disease Control (CDC), 23.1% of adult Missourians are smokers, among the highest rates in the nation. Kentucky is highest, with 25.7% of its residents lighting up. Smoking-related illnesses cost the Medicaid system some \$641 million last year, according to the Missouri Budget Project, and the CDC says smoking kills at least 9,500 Missouri residents each year. And studies have shown that increasing cigarette taxes 10% can reduce consumption as much as 5%, especially among young people.

"There were Republicans in the room" during the university conference, Still tells TIME. "Everybody agreed it was indefensible to be lowest in the nation. But they don't think we can do anything about it. Well, just raise the tax. We've talked about what's the matter with Kansas. I think we need to talk about what's the matter with Missouri." ([See the top 10 political gaffes.](#))

One thing that poses a problem in reforming cigarette taxes is the state constitution. Any major tax increase must go before the voters. (Still's proposed measure would avoid that fate by phasing in the tax in small steps.) In 2006, a proposal to raise the cigarette tax to 97-a pack lost a hard-fought referendum, 51% to 49%. Hospitals and health advocates poured millions into the campaign for the tax; opposition came from the tobacco lobby, gas stations and convenience stores. Posters at minimarts and filling stations across the state called for voters to "Stop Tax Abuse" and vote down a "470%" tax increase.

The public-health advocates learned a lesson. Without a change in public and political will, says Dave Dillon of the Missouri Hospital Association, "we're not going to invest again."

Opponents of higher levies on tobacco warn that sin taxes are regressive and hit poor folks the hardest. They also claim that the low taxes are a boon for the state because bargain-hunting residents of the eight states bordering Missouri cross state lines to stock up on coffin nails. For example, a smoker in Keokuk, Iowa, could save nearly \$12 per carton in state taxes by driving a little ways to Kahoka, Mo. The distance between Mammoth Springs, Ark., and Thayer, Mo., is about 2½ miles (4 km) — and \$10 a carton in taxes.

"The antitobacco zealots are not trying to reasonably regulate," says Ronald J. Leone of the Missouri Petroleum Marketers & Convenience Store Association. "Their goal is prohibition. It's hard to negotiate with these people. They can't prohibit it, so they're trying to kill it by a thousand cuts." ([See pictures of Tea Party tax protests.](#))

Look at the whole tax picture, Leone contends. The federal tax on a pack of cigarettes is \$1.01, and local communities impose their own levies. When federal, state and local taxes are tallied up, Missouri's smokers are paying 46% taxes on a pack of popular off-brands, with names like

Decade and Xcaliber, he said, while brand names are taxed above 30¢, depending on the locality. "There is no other product on the market that's overtaxed like that," says Leone.

Missouri's beer tax, too, is near the bottom. Its 6-per-gal. rate has not been touched in nearly 40 years. The storied Anheuser-Busch brewery in St. Louis is one of the state's largest employers, which has surely helped keep the status quo in place.

Yet much of Missouri's steadfast refusal to jack up sin taxes can be attributed to one man. For decades, Jefferson City's most revered and feared lobbyist was John Britton, who worked to protect both Big Tobacco and the brewery interests. Stately and charming, Britton is a three-pack-a-day smoker so beloved at the statehouse that the Senate passed a resolution 15 years ago forever declaring the airspace immediately surrounding him "an official Missouri state senate designated smoking area." ([See more about cigarettes.](#))

And his hold has extended to other alcohol and cigarette regulations. It's perfectly legal to have open containers of alcohol in moving cars in Missouri, for instance. Britton's argument against the open-container bans embraced by most other states was that holding a beer can is no more distracting than holding a peanut-butter sandwich. When that brand of homespun thinking doesn't work, Britton has been known to hint that Missouri can kiss Budweiser goodbye — and all those jobs and corporate dollars — should the legislature decide to play nanny.

That would be a new role for Missouri politicians. The state has a long history of tolerance when it comes to matters of appetite. During the long years of Prohibition, as America's reformers fought to dry out the nation, Missouri remained as wet as the rain forest. Boss Tom Pendergast of Kansas City made sure the saloons were well stocked, and not one felony prosecution for bootlegging occurred in his district. "If you want to see some sin, forget about Paris. Go to Kansas City," opined the *Omaha World Herald* at the time.

Still, it's politics, played hard and fast in Missouri, that might conceivably inspire a hike in the tobacco tax. Some supporters of higher cigarette levies have begun to suggest that that this might be a good chance for Republicans to put Governor Nixon in a box. Suppose the legislature passed a cigarette tax to ward off school budget cuts and sent it for the governor's signature: Nixon would have to choose between breaking his no-tax pledge or leaving schools in the lurch. That "would be a real Jedi mind trick on the governor," muses one observer — the sort of crafty political maneuver that might leave a Missouri pol craving another cigarette.

SOUTHEAST MISSOURIAN

Mo. reps rule out smoking ban for offices

Wednesday, January 12, 2011

By DICK ALDRICH ~ Missouri News Horizon

MU mention page 2

JEFFERSON CITY, Mo. -- The number of places Missouri state representatives can smoke is dwindling, but they will still be allowed to smoke in the confines of their Capitol offices.

The House Rules Committee on Tuesday passed the rules the House will run by for the next two years. Included in the list of changes to previous rules was the banning of smoking in the rear (east) lounge area, immediately behind the House chamber.

The common area is a place for representatives to retreat from the floor for conversations with other lawmakers, a chance to make phone calls and check messages, and even, at times, grab a quick nap. It was also where, since smoking was banned from the House floor in the late 1980s, representatives could light up without penalty.

But in recent years, more and more representatives have objected to the smoky atmosphere of the rear lounge, while some have even become physically ill.

"For me, it's a matter of life and death," Rep. Jeannette Mott Oxford, D-St. Louis, told the rules committee. Mott Oxford is a severe asthmatic and the smell of smoke can set off an attack, she said. She favors a complete ban on smoking in the Capitol, and approached the rules committee Tuesday to ask for a ban on smoking in all House controlled portions of the building.

Currently, House members and their staff can smoke in their offices, but nowhere else. Most representatives who do smoke usually wait until the evening hour when the Capitol is virtually devoid of visitors. A quick tour around the building at night finds the smell of cigarettes, and the occasional cigar and pipe, wafting through most of the corridors.

It has not been that long ago when smoking was prevalent in the Capitol, with state senators being allowed to smoke on the floor of the Senate chamber during debate as late as the mid-1990s.

Smoking is now forbidden in any common areas around the Senate chamber, but, like the representatives, senators are allowed to smoke in their offices.

And there is an exception to all smoking rules on the Senate side of the building for veteran tobacco lobbyist John Britton, who has traditionally had a waiver to smoke wherever he may be.

"I think that we need to have a smoke-free capitol," Mott Oxford said. "It undercuts the message that we give to children not to smoke when tens of thousands of Missouri school children come to this building to tour each year, and clearly can smell smoke."

Mott Oxford also stressed the dangers of secondhand smoke. The committee also heard testimony from Stan Cowan, a research aid for the department of family and community medicine at the University of Missouri School of Medicine, who said studies show that there is no good remedy for problems associated with secondhand smoke.

"Separate smoking areas for smokers and non smokers do not work," Cowan told committee members.

But arguments for a smoking ban fell on deaf ears. The committee did not make a motion in regards to a further smoking ban and passed the House rules by a voice vote.

"I don't think it's a big problem," said rules committee chairman Rep. John Diehl, R-Town and Country. "We don't want to take away people's individual rights to smoke in their offices and other non-public areas."



Foundation financing Mo. tobacco use survey

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By Associated Press

JEFFERSON CITY, Mo. (AP) - More than 50,000 Missouri residents may be interviewed in the coming year as part of a statewide survey of tobacco use.

The Missouri Foundation for Health says the survey is a follow-up to one conducted in 2007. It's expected to provide a county-by-county comparison to gauge the health effects of any changes in tobacco use.

The foundation is providing \$1.9 million for the survey. It's being conducted together with the Missouri Department of Health and Senior Services, the University of Missouri and ICF Macro International.

The 2007 survey found that nearly two-thirds of Missouri smokers said they intended to quit in the next six months and more than half of adults supported laws banning smoking in public work places, including restaurants and bars.