DATE: February 13, 2015

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: MDS / Staffing Focused Surveys Update

Memorandum Summary

FY2014 Pilot Surveys: In 2014, Centers for Medicare & Medicaid Services (CMS) and five volunteer States piloted a focused survey to assess MDS coding practices and its relationship to resident care in nursing homes.
- A report on the findings from the pilot is attached.

Nationwide Expansion: We subsequently announced that we would expand the MDS focused surveys to all States and include a review of nursing home staffing. This memo provides an update on the pilot and the status of the expansion of these surveys including:
- Training for the next surveys will begin in early April 2015.
- States will need to assign a minimum of three surveyors to be trained.
- Training and surveys will be rolled out in two phases with Regions and States assigned to one of two groups.
- Deficiencies identified during the surveys will result in relevant citations and enforcement actions.

Background
In 2014, the CMS, together with five volunteer States, piloted a short-term focused survey to assess Minimum Data Set, Version 3.0 (MDS 3.0) coding practices and its relationship to resident care in nursing homes. We appreciate the work of the five States that volunteered to conduct these surveys and provide us with useful feedback (MD, PA, VA, IL, and MN). Each of the five States dedicated at least two surveyors to the effort, plus the State Resident Assessment Instrument (RAI) Coordinator. Each State completed five Surveys which were each conducted over approximately two days. Attachment A provides a report of the findings from the pilot.

After completing the pilot, CMS announced we would expand these surveys to be conducted nationwide in 2015. The surveys are also being conducted in conjunction with CMS’ efforts to strengthen the Nursing Home Five-Star Quality Rating System (see press release at http://www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2014-Press-releases-items/2014-10-06.html).
Nationwide Expansion
Based on the experiences in the five volunteer States, we revised the survey structure and processes (e.g., worksheets) to improve the usability, scalability, and effectiveness of the survey. The surveys will continue to assess compliance with 42 CFR 483.20 (Resident Assessment), and other applicable regulations that are identified during the investigatory process. Additionally, the surveys will include a review of nursing home staffing to help CMS assess how staffing levels may fluctuate throughout the year.

These surveys will be rolled out in two phases with Regions and States assigned to one of two groups. In February, CMS will inform Regional Offices and States regarding the group to which they are assigned. Each phase will begin with training. Regions and States will also need to identify a point of contact (POC) to be the primary recipient of information pertaining to these surveys. A sample of nursing homes will be surveyed in each State. We will work with States to identify the specific facilities to be surveyed. In addition, CMS may work with a contractor to supplement States’ efforts to conduct surveys. More details will be conveyed to States as the training gets underway.

Surveyor Training
The surveys are designed to be conducted by two surveyors over approximately two days. The first phase of surveyor training will begin in early April 2015. States will need to allocate at least three surveyors to complete the training (e.g., two primary surveyors and one alternate). At least one of the onsite surveyors must be a Registered Nurse. Regional Offices should allocate at least one individual to complete the training and serve as a point of contact for States and CMS Central Office. Training will be provided via recorded webinars so surveyors will be able to complete their training at a time that fits within their schedule. The total time needed for training is expected to be approximately four hours, as the training for this focused survey builds on the training and experience that surveyors already possess. Support will also be provided for questions and technical assistance for surveyors throughout the training and survey period. States may allocate more than three surveyors to the training; however, at least one of the individuals trained should be a supervisor. Additionally, in contrast to the pilot, these surveys do not need to be conducted by State RAI Coordinators. We restructured the survey so that it would not be dependent on the use of State RAI Coordinators in every survey. Such restructuring enables the survey to be more scalable and decreases the burden on States.

We have received requests from nursing homes for materials or methods on how to prepare for these surveys. Information regarding methods for accurate completion of MDS assessments is found in the MDS RAI Manual. Additionally, Appendix PP of the SOM provides guidance on how to comply with the regulations listed above. Therefore, States and Regional Offices should refer providers to these resources for these types of inquiries. There are no new regulations involved in these surveys. The focus of the survey is on nursing home compliance with existing and long-standing regulations.

Enforcement in Accordance with Existing CMS Policy and Regulations
Deficiencies identified during the surveys will result in relevant citations and enforcement actions in accordance with normal and existing CMS policy and regulations. In the event that additional care concerns (beyond the MDS and staffing foci of this focused survey) are identified
Page 3- State Survey Agency Directors

during on-site reviews, those concerns will be investigated during the survey or, if immediate investigation is not possible, registered with the SA as a complaint for further review.

For questions on this memorandum related to the MDS / Staffing Focused Survey, please email MDSFORSandC@cms.hhs.gov and consult with your CMS Regional Office.

Effective Date: Immediately. The information contained in this memorandum should be communicated with all survey and certification staff (including the State RAI Coordinator), their managers and the State/Regional Office training coordinators within 30 days of this memorandum. More information will be communicated directly with States shortly on the specifics of the next steps for implementing these surveys.

/s/
Thomas E. Hamilton

Attachment- MDS Staffing Focused Surveys Pilot Findings

cc: Survey and Certification Regional Office Management