

Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-05-12

**DATE:** December 16, 2004

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Response to Referrals from Public Entities Alleging Noncompliance with Federal Nursing Home Requirements

**Letter Summary**

- State survey agencies (SAs) are required to enter into the ASPEN Complaints/Incidents Tracking System (ACTS) all referrals from public entities that allege noncompliance with the Federal nursing home requirements for participation.
- SAs are required to manage and, if necessary, investigate referrals, according to the instructions for complaints in Chapter 5 of the State Operations Manual (SOM).

**Background**

Besides the SA, other public entities receive information and/or perform investigations of nursing homes. These entities include the office of the coroner or medical examiner, quality improvement organizations, law enforcement, the ombudsman's office, and protection and advocacy systems. At times, these public entities will forward information to the SA if there are concerns about the health and safety of nursing home residents. The SAs are required to give appropriate consideration to these referrals from other public entities, to ensure that nursing homes are providing adequate care and services to their residents.

**Tracking of Referrals in ACTS**

The SAs are required to enter into ACTS all referrals from public entities that allege noncompliance with the Federal nursing home requirements for participation. For reporting purposes, the SAs should enter these cases as complaints (i.e., Intake Type=Complaint, Intake Subtype=Federal COPs, CFCs, RFPs, EMTALA). In order to more quickly identify which of these cases stem from a referral, the SAs are expected to check the appropriate category under the "Source" field. For example, for referrals from the coroner's office, states would check "Coroner" under the "Source" field for the intake.

**Management and Investigation of Referrals**

The SAs are required to manage and investigate these referrals as complaints, as described in Chapter 5 of the SOM. In summary, the SAs are required to:

- Acknowledge the receipt of the referral.
- Assess the referral to determine the severity and the urgency of the allegations, so that appropriate and timely action is pursued.
- Conduct an investigation, if applicable.
- Provide to the referring entity and the investigated nursing home a written report of the investigation findings as a summary record of the investigation, if applicable.

**Effective Date:** The information contained in this memorandum clarifies current policy and must be implemented no later than 30 days after issuance of this memorandum.

**Training:** This clarification should be shared with all ASPEN coordinators, staff who manage and investigate complaints and self-reported incidents, their managers, and the state/RO training coordinator.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management