

## Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group

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**DATE:** April 8, 2011

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Quality Assurance and Performance Improvement (QAPI) Initiatives related to Section 6102 (c) of the Affordable Care Act for Nursing Homes

### Memorandum Summary

- **The Affordable Care Act:** Section 6102 (c) of the Affordable Care Act requires Centers for Medicare & Medicaid Services (CMS) to establish QAPI standards and provide technical assistance to nursing homes on the development of best practices in order to meet such standards.
- **QAPI Prototype:** A nursing home QAPI prototype will be tested in a small nursing home demonstration project conducted by an independent contractor in the summer of 2011.
- **New QAPI Regulation:** In addition to the existing Quality Assessment and Assurance (QAA) regulation currently found at 42 CFR, Part 483.75(o), CMS will promulgate a new QAPI regulation.

The purpose of this memorandum is to advise you of initiatives that CMS is undertaking to implement mandates of Section 6102 (c) of the Affordable Care Act related to QAPI.

### **Background**

For over 20 years, the existing QAA provision at 42 CFR, Part 483.75(o) specified that each home should have a QAA committee with certain members that meets at least quarterly and that “develops and implements appropriate plans of action to correct identified quality deficiencies.” This regulatory provision contained no specifications as to the means and methods taken or the action plans developed to implement the QAA regulations.

On March 23, 2010, the Affordable Care Act was passed. Section 6102 (c) of the Affordable Care Act contains provisions for establishing and implementing a QAPI program for nursing homes. This provision states that the Secretary (delegated to CMS) shall establish and implement a QAPI program for homes. This program shall include establishing standards (regulations), and providing technical assistance to homes on the development of best practices in order to meet such standards. This new provision significantly expands the level and scope of

required QAPI activities to ensure that facilities continuously identify and correct quality deficiencies as well as sustain performance improvement.

### **CMS QAPI Initiatives**

Through an independent contractor, CMS will establish a prototype QAPI program that will be tested in a small number of homes, beginning later this summer. The results of this demonstration, as well as consumer, provider and stakeholder feedback will be used to establish a QAPI on-line resource library and tools geared towards helping facilities to upgrade their current QAPI programs using a best practices approach.

Section 6102(c) of the Affordable Care Act also requires CMS to promulgate a new QAPI regulation, in addition to the existing QAA regulation currently set forth at 42 CFR, Part 483.75(o). The new QAPI regulation will include the requirement that all homes must submit to the Secretary a plan for the facility to meet QAPI standards and implement QAPI best practices, including how to coordinate the implementation of a QAPI plan with QAA activities conducted under existing regulations. The Affordable Care Act permits CMS time to develop resource materials prior to promulgation of the new regulation. Further information about the timetable for a regulation will be provided at a later time.

**Effective Date:** Immediately. The State Agency should disseminate this information within 30 days of the date of this memorandum.

**Training:** The information contained in this letter should be shared with all nursing home survey, certification, and enforcement staff, their managers, and State/RO training coordinators.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management