



Center for Clinical Standards and Quality/Quality, Safety & Oversight Group

Admin Info: 18-11-NH

DATE: March 09, 2018

TO: State Survey Agency Directors

FROM: Director
Quality, Safety & Oversight Group (*formerly Survey & Certification Group*)

SUBJECT: Nursing Homes: Comparative Surveys of State Survey Agencies (SAs) for the Long Term Care Survey Process (LTCSP)

Memorandum Summary

- **State Performance Standards** – Until further notice, a comparative survey conducted on a LTCSP will be excluded in scoring for the State Performance Standards.
- **Federal Monitoring Survey (FMS) Requirement** – Comparative surveys conducted as a LTCSP will count toward meeting the FMS survey requirement.

Background

The Centers for Medicare & Medicaid Services (CMS) continues to conduct Federal oversight activities to assure the adequacy of the SA's survey performance following the implementation of the LTCSP across SAs.

CMS has been piloting an interim comparative survey process across several regions and states. Because software for the Comparative is still to be developed, the Regional Office (RO) teams attempted to manipulate the existing LTCSP software designed for the standard survey process as an interim solution. Under this approach, the RO teams had to review SA information outside of the software, and then make multiple manual additions and changes in the software shell being used for the Comparative to attempt to match the SA's initial pool and sample. It was hoped that this process could be used until Comparative-specific software is developed and released later this year. However, after completing three pilot tests, it became clear that manipulating the existing LTCSP recertification software for Comparative purposes is too complicated and resource intensive for the SAs and, in particular, for the ROs.

Until Comparative-specific software is released later this year, ROs will use the Standard recertification survey LTCSP procedures and software to conduct a comparative. This approach substantially simplifies the interim process, reduces the burden of time, confusion, and frustration on the ROs, and allows the ROs to become familiar with the LTCSP process while meeting their workload. Because the comparative survey process for LTCSP is in a

developmental stage and CMS has not adopted a uniform interim process, we will not evaluate the results of LTCSP comparative surveys for determination of State Performance Standards. In addition, the interim LTCSP comparative survey processes will count toward the CMS comparative survey requirement.

CMS has issued the following interim policy until a final comparative survey process becomes available:

- Request the SA send their facility matrices (all residents and new admission, if different) and any complaints/FRIs that were investigated with the survey. This information will be reviewed at the end of the survey when citations are compared.
- Conduct the comparative following the LTCSP Procedure Guide.
 - The LTCSP FMS survey shell created in ARO is the same type of LTCSP survey shell that the SA uses to conduct Standard recertification surveys (i.e., the FMS survey shell is not tailored for the comparative).
 - The RO uses the offsite selected residents, unnecessary medication residents, and closed record review residents generated by the LTCSP software and does not attempt to adjust the samples to match the SA samples.
 - The ROs will not investigate any SA complaints/FRIs with the survey.
 - The ROs will complete the initial pool process, sample and investigations as outlined in the LTCSP Procedure Guide.
- Continue to complete the analysis of deficiencies cited and enter the data into the FMS Database.
- For any area cited by the RO and not by the SA, refer to the following items to determine whether the SA should have identified the same noncompliance (e.g., concern was present during SA survey, SA investigated the same resident, or the issue was pervasive across many residents):
 - SA's CMS-2567 (import the SA survey shell from ARO into ASE-Q or request the SA send the CMS-2567 with the sample list),
 - SA's facility matrices,
 - Complaint/FRI information that was investigated by the SA, and
 - SA Investigation Report (import the SA survey shell from ARO into ASE-Q, activate the TC, access the LTCSP, click the Reports icon – the clipboard without a pencil - on the right side of the screen or press Alt+P).
- Discuss all findings from the comparative survey with the SA.

Two training sessions will be provided (2/23/18 and 3/5/18) to discuss the interim comparative procedure steps outlined above. The same material will be presented in each session. The appointments have been sent to the RO branch managers and the RO Ambassadors. In addition, there have been concerns identified with how the SA's are implementing the LTCSP. During the training, we will highlight the known SA issues so all ROs are aware of the current struggles for many SA's. Lastly, during the training, we will discuss RO citations and whether ROs should review emergency preparedness areas if reviewed by the SA.

Contact: If you have any questions about this communication, please send an email to: NHSurveyDevelopment@cms.hhs.gov.

Effective Date: Immediately. This policy should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/
David R. Wright

cc: Survey and Certification Regional Office Management