

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

Ref: QSO-20-01-NH

**DATE:** October 07, 2019

**TO:** State Survey Agency Directors

**FROM:** Director  
Quality, Safety & Oversight Group

**SUBJECT:** Consumer Alerts added to the *Nursing Home Compare* website and the *Five Star Quality Rating System*

### Memorandum Summary

- **Abuse Indicator** – CMS is updating the *Nursing Home Compare* website to make it easier for consumers to identify facilities with instances of non-compliance related to abuse.
- **Consumer Alert for Oregon Nursing Homes** – CMS will be adding a consumer alert on the *Nursing Home Compare* website for all Oregon facilities indicating that incidents of abuse may not be reflected on the *Nursing Home Compare* website. This action is in response to a recommendation by the Government Accountability Office (GAO).

Since 2008, CMS has periodically made improvements to the *Five Star Quality Rating System* and *Nursing Home Compare* website. Each update has been part of CMS's ongoing effort to improve the information available to consumers and drive quality improvement amongst nursing homes, and this update advances these efforts. Below is a summary of the changes being implemented with this update.

### Adding an “abuse icon” to facilities cited for abuse:

Every nursing home resident deserves to be treated with respect at all times. Abuse is never acceptable and CMS is very concerned about incidents related to abuse (including neglect and exploitation) in nursing homes. Administrator Seema Verma stated our commitment to preventing abuse through a five-part strategy to ensure safety and quality in America's nursing homes (<https://www.cms.gov/blog/ensuring-safety-and-quality-americas-nursing-homes>).

As part of this strategy, we want to make it easier for consumers to identify facilities with instances of non-compliance related to abuse. To do this, in October 2019, we are adding an icon to highlight facilities that meet the following criteria:

- 1) Facilities cited for abuse where residents were found to be harmed (Scope/Severity of G or higher) on the most recent standard survey, or on a complaint survey within the past 12 months; or

- 2) Facilities cited for abuse where residents were found to be potentially harmed (Scope/Severity of D or higher) on the most recent standard survey or a complaint survey within the past 12 months, and on the previous (i.e., second most recent) standard survey or on a complaint survey in the prior 12 months (i.e., from 24 months ago to 12 months ago)

We believe this icon will help consumers make informed decisions about their health care. To support this, we will also update a consumer checklist with questions that consumers can use to ask facilities for information about how they prevent abuse. The checklist can be found at <https://www.medicare.gov/sites/default/files/2018-07/nursing-home-checklist.pdf> (will be updated on October 23, 2019). Lastly, we believe this action will serve as an additional incentive for facilities to prevent abuse.

Alert for consumers in Oregon:

In 2019, the Government Accountability Office (GAO) found that the Oregon state survey agency was referring cases of potential abuse to the department of Adult Protective Services, rather than investigating under the CMS authority delegated to them (<https://www.gao.gov/assets/700/698539.pdf>). As a result, some findings of abuse are not reflected on the *Nursing Home Compare* website. As a result of this report, the GAO recommended that, “CMS should clearly communicate to consumers the lack of data on abuse complaints and facility-reported incidents in Oregon nursing homes contained in the CMS Nursing Home Compare website.”

Therefore, in October 2019, CMS will be adding a disclaimer on the *Nursing Home Compare* website for all nursing homes in the state of Oregon. This disclaimer will alert consumers that some abuse investigations in Oregon may not have been investigated by state health inspectors and that potential findings of abuse may not be reflected on the website. The disclaimer will also direct users to Oregon’s Department of Adult Protective Services website to check if any issues related to abuse were identified by that agency.

These updates are reinforce CMS’ commitment to transparency and providing consumers with information to help them make informed decisions for their, or their loved one’s health care.

For more information about all the changes described in this memorandum, please see the “Five-Star Users’ Guide October 2019” in the downloads section of the following link:

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/FSQRS.html>

**Contact:** For questions on this memorandum, please email: [BetterCare@cms.hhs.gov](mailto:BetterCare@cms.hhs.gov).

**Effective Date:** October 23, 2019.

/s/  
David Wright  
Director

cc: Survey and Certification Regional Office Management