



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-09-22

DATE: January 23, 2009

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: **Nursing Homes** - Issuance of Revised Quality of Care Guidance at F309, including Pain Management as Part of Appendix PP, State Operations Manual, Additional Minor Changes Made to Appendices P and PP as Described Below

Memorandum Summary

- Revised guidance for long-term care surveyors at F309, Quality of Care, including a new general investigative protocol and new pain management guidance and investigative protocol will be effective March 31, 2009;
- The advance copy of this guidance and training materials are to be used to train all surveyors who survey nursing homes by the implementation date;
- Removed hospice and dialysis survey protocol language from Appendix P and inserted into F309;
- Removed weight loss investigative protocol from Appendix P due to the June 2008 issuance of F325 investigative protocol;
- Deleted guidance requiring paper copy storage of Minimum Data Set (MDS) in homes with electronic records at Tag F286, 483.20(d), Use; and
- Removed demand billing survey process at Appendix P, Part VII and inserted new procedure at Task 5C.

The Centers for Medicare & Medicaid Services (CMS) is revising the Guidance to Surveyors at F309, Quality of Care in Appendix PP of the State Operations Manual. We are:

- Completely revising the general quality of care guidance at this Tag;
- Adding a new general investigative protocol for quality of care;
- Adding major new guidance and an investigative protocol for pain management; and
- Moving the survey protocol language regarding review of residents receiving hospice care and dialysis services (currently under Appendix P, II.B. The Traditional Standard Survey, Sub-Task 5C Resident Review, parts K and L) into F309.

We are also making the following additional changes as part of this issuance:

- Deleting the investigative protocol for unintended weight loss (currently under Appendix P, II.B. The Traditional Standard Survey, Sub-Task 5C) due to the June 2008 issuance of the revised guidance at F325 Nutrition;
- Revising portions of the Appendix P Table of Contents to reflect the three deletions listed above;
- Removing a sentence under F286 Use [of the Resident Assessment] that had mandated the storage of paper copies of the MDS for homes that have all-electronic clinical records. The retention of paper copies is no longer required for these homes.
- Renumbering Part M of Sub-Task 5C, Review of Influenza and Pneumococcal Immunizations as section K due to removal of current K and L sections; and
- Removing the outdated demand bill survey procedure in Appendix P, Part VII and replacing it with new procedural language at Sub-Task 5C Resident Review, as new part L, Liability Notices and Beneficiary Appeal Rights.

This set of revisions and deletions to Appendices P and PP will become effective on March 1, 2009. At that time, a final copy of this new guidance will be available at <http://www.cms.hhs.gov/Transmittals/> and ultimately incorporated into Appendix PP of the State Operations Manual on the CMS Web site. An exception is the demand bill change which became effective with Survey and Certification Letter 09-20, published January 9, 2009.

The interpretive guidelines for F309 were revised to clarify areas such as assessment, care planning, and interventions. The investigative protocols explain objectives and procedures surveyors will need for their investigation. Deficiency categorization provides severity guidance for the determination of the correct level of severity of outcome to residents for deficiencies at Tag F309.

We are providing an advance copy of these changes to both Appendices, as well as a training package which is to be used to assure that all surveyors who survey nursing homes are trained in these revisions by the implementation date. These materials were presented and discussed in a teleconference with the CMS Regional Offices (ROs) on January 15, 2009. We encourage training of surveyors to be conducted in person with group discussions to enhance learning. However, if this is not feasible to meet the needs of your surveyors, it is acceptable to use other methods. The training material may also be used to communicate with providers groups and other stakeholders. RO training coordinators will document the completion of training on this new guidance for all RO and State nursing home surveyors within their region.

Enclosed with this memorandum are the following files:

- Training slides in MSWord (Powerpoint files will be emailed directly to ROs and SAs);
- Advance copy of surveyor guidance; and
- Transmittal Sheet listing all changes.

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For questions on this memorandum, please contact Beverly Cullen at 410-786-6784 or via email at beverly.cullen@cms.hhs.gov.

Effective Date: March 1, 2009.

Training: The materials should be distributed immediately to all State Agencies and training coordinators.

/s/
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management