



GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION

519 Eighth Avenue, 16th Floor, New York, NY, 10018

Phone: 212-643-2828 Fax: 212-643-2956 www.gnyhcfa.org



Memo 20-22

To: Administrator, DNS, Medical Director, Infection Preventionist and QA Committee

From: Mary Gracey-White RN, BSN, QCP, Director of Regulatory Compliance

Date: June 26, 2020

**Re: CMS Memorandum 20-34 Five Star Rating System and Nursing Home
Compare Update**

As you may be aware CMS issued Memo 20 -34 (attached) providing updated information for the Five Star Rating System. These updates are in relation to waivers during the Covid 19 pandemic. Highlights include:

- CMS is ending the waiver for submitting staffing data via the Payroll Based Journal (PBJ) System. CMS had waived 3 Quarter PBJ reporting during the pandemic (Jan-March ,2020). Facilities are required to report **Quarter 4 (April-June 2020) staffing data via PBJ by August 14, 2020**. CMS did state that facilities can go back and report 3rd quarter staffing, **but it is not required**.
- For the upcoming July 29,2020 update to Five Star system staffing measures and star ratings will be held constant from data submitted during 2019 Quarter 4 (Oct-Dec). One specific detail is that CMS will automatically remove the automatic 1-star staffing rating for facilities whose staffing rating was downgraded to a 1 star due to PBJ late submission or for reporting four or more days without an RN. CMS will remove the 1 Star rating and temporarily suppress the rating.
- Quality Measures will be based on data collection period as of Dec 31, 2019. During the pandemic CMS had waived requirements related to MDS completion and submission.
- Regarding Health Inspections and Ratings CMS indicated that they are monitoring inspections and will start the inspection ratings as soon as possible. In CMS Memo 20-12 they outlined survey prioritization that included
 - All immediate jeopardy complaints (cases that represents a situation in which entity noncompliance has placed the health and safety of recipients in its care at risk for serious injury, serious harm, serious impairment or death or harm) and allegations of abuse and neglect;

- Complaints alleging infection control concerns, including facilities with potential COVID-19 or other respiratory illnesses.
- Statutorily required recertification surveys (Nursing Home, Home Health, Hospice, and ICF/IID facilities).
- Any re-visits necessary to resolve current enforcement actions.
- Initial certifications.
- Surveys of facilities/hospitals that have a history of infection control deficiencies at the immediate jeopardy level in the last three years.
- Surveys of facilities/hospitals/dialysis centers that have a history of infection control deficiencies at lower levels than immediate jeopardy

We were advised by NYSDOH that Infection Control (IC) surveys are not part of star rating but are publicly posted on the Nursing Home Compare site. In addition, NYSDOH reported that they have completed over 550 Infection Control Surveys and majority are without citations. In alignment with CMS guidance all NYS IC Surveys will be completed by July 31,2020. Facilities can have a repeat IC survey based on issues such as new Covid outbreaks and fatalities related to Covid 19.

The Association is committed to assisting members with Infection Prevention and Control. Please contact us if you have questions or need additional information. We are continuing to seek clarification from the NYSDOH on visitation as well as cohorting and testing issues. We have developed preview policies/procedures for reopening facilities and will be providing these to members pending NYS guidance.