

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

Ref: S&C: 11-02-NH

DATE: October 29, 2010

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Impact of Submission Issues with the Minimum Data Set (MDS) 3.0 Assessment Submission and Processing (ASAP) System on the Long-Term Care (LTC) Survey Processes

Memorandum Summary

Guidance to Surveyors – This memorandum outlines the handling of LTC facility citations at F287 regarding MDS submissions as a result of an issue with the Centers for Medicare & Medicaid Services (CMS) MDS 3.0 ASAP system.

CMS implemented the MDS 3.0 nationally on October 1, 2010 for all participating Medicare/Medicaid certified LTC facilities. Since that date, an issue with the CMS MDS 3.0 ASAP system has been discovered, which causes record editing and validation report creation delays. In addition, it has been reported to CMS that there have been MDS 3.0 vendor software issues that have resulted in MDS transmission issues nationally.

While CMS anticipates a resolution in the near future, the ability of LTC facilities to comply with one of the LTC requirements may be compromised. The Federal LTC requirement at §483.20(f)(3) - F287, requires LTC facilities to transmit MDS data within 14 days after completion. Due to the issues with the ASAP system, the time frames for submission of the assessment may not fall within the required transmission timelines.

For the time period of October 1, 2010 through December 31, 2010, LTC surveyors will accept the ASAP system's date stamp indicating the MDS file has been received as an indication of MDS 3.0 assessment transmission. A deficiency will not be issued related to the time and date stamp. If, during this time, a deficiency at F287 is cited, the rationale should be clearly documented in the statement of deficiencies.

The regulation language at F287 prior to October 1, 2010, required the MDS 2.0 to be transmitted monthly. The regulation language was revised to require the MDS 3.0 to be transmitted within 14 days after the completion of the MDS assessment. A citation of non-compliance will be issued for those LTC facilities that are not in compliance with the timeframe at F287 which is not a result of the ASAP system's transmission issues for the time period of October 1, 2010 through December 31, 2010. In this situation, the survey team will issue a deficiency related to the failure to transmit the completed assessment within 14 days at severity

level one. The determination of scope will depend on the number of assessments that were not transmitted in a timely manner.

For questions on this memorandum, please contact Christina Stillwell-Deaner at 410-786-5520 or via email at christina.stillwelldeaner@cms.hhs.gov.

Effective Date: October 1, 2010 through December 31, 2010.

Training: This policy should be shared with all survey and certification staff, their managers and the State and Regional Office (RO) training and MDS coordinators.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)