



August 17, 2018\

Seema Verma, MPH
Administrator
Centers for Medicare and Medicaid
Seema.Verma@cms.hhs.gov

Dear Ms. Verma,

On behalf of our 2,000 nonprofit nursing home members, we at LeadingAge are concerned about the impact of incorrect staffing data posted according to the payroll-based journal (PBJ) system on a nursing home's Five Star rating. We request a change in CMS policy to adjust a nursing home's Five Star rating as soon as the PBJ staffing data has been corrected rather than waiting until the end of the quarter. Star ratings that are incorrectly posted penalize facilities that in fact were sufficiently staffed, and, in the end, harm consumers by giving them bad information and limiting their ability to choose from all high performing facilities.

LeadingAge supports the change to reporting staffing data on the basis of payroll, for which we advocated for a number of years. However, technical mistakes in reporting data under the new system have resulted in posted staffing levels for some nursing homes that are lower than is actually the fact. These mistakes have been made both by individual nursing homes in reporting their data and by CMS in recording and posting it.

Current CMS policy provides procedures for nursing homes to correct their data. However, lower posted staffing levels result in a nursing home's loss of one star on its overall Five Star rating, regardless of whether the mistake was made by the nursing home or by CMS. The nursing home does not regain the star until the next quarterly posting period.

Loss of a star on the Five Star rating system has serious consequences for nursing homes. Current and potential residents and their families are given a false impression of a nursing home whose rating has been lowered due to a problem with PBJ posting. Many managed care and accountable care organization contracts with post-acute care providers require three stars or greater for nursing homes to participate in their systems. Some of our members have lost the opportunity to participate in research projects or obtain funding grants as a result of losing a star.

Five Star's purpose is to give the public an accurate idea of the quality of care a nursing home provides. Once the data on which a nursing home's Five Star rating is based has been corrected, adjusting the nursing home's Five Star rating would be consistent with the system's purpose as well as fairer to the nursing home, its residents and staff. We urge you to consider this change in current CMS policy.

Respectfully,

A handwritten signature in black ink that reads "Katie Smith Sloan". The signature is written in a cursive, flowing style.

Katie Smith Sloan
President and CEO
LeadingAge