

Long-Term Care Survey Alert

Survey Data Management: WHAT TO DO WHEN CMS' 'NURSING HOME COMPARE' SITE IS WRONG

It's painful enough to see negative survey or quality performance information about your facility on the government's Nursing Home Compare Web site if it's true and you're working to correct it. But sometimes, the information is inaccurate or outdated, which isn't fair to your facility or to consumers who are letting their fingers do the clicking in choosing a nursing home.

Providers can, however, take steps to help ensure the **Centers for Medicare & Medicaid Services'** Nursing Home Quality Compare Web site portrays their facility's inspection reports, staffing and quality outcomes as accurately as possible.

"Facilities should aggressively pressure agencies to include corrected information in accordance with the State Operations Manual procedures," emphasizes **Annaliese Impink**, an attorney with **Bianculli & Impink** in Arlington, VA. Setting the record straight is imperative in today's regulatory and litigation climate, Impink adds.

The Nursing Home Compare Web site is drawn from Medicare's Online Survey, Certification and Reporting (OSCAR) database, which is updated by the state survey agencies. "Therefore, if a nursing home's information is incorrect or has changed, the provider should contact its state survey agency to have it updated in CMS' OSCAR database," a CMS official tells **Eli**. "Surveys are generally conducted every nine to 15 months," he adds. "So if the survey results listed are older than 15 months, this may mean that the most recent survey results have not yet been sent to us from the state agency."

Facilities should follow the same procedure to correct inaccuracies in how CMS reports their percentage scores on quality measures once the national quality initiative goes online this fall, the CMS official adds. (The phone number for the state survey agency in your area can be found in the "helpful contacts" section of the Nursing Home Compare Web site www.medicare.gov/nhcompare/home.asp.)

Set the Record Straighter

Your facility may want to set the record even straighter, however, experts suggest..

The **California Association of Health Facilities**, for example, advises nursing homes to ask their state health department to include their written request to correct the record in the facility's public paper file.

"Unfortunately, CMS doesn't have the capacity to post such a letter on its Nursing Home Compare Web site," says **Sheree Lowe**, CAHF's director of special programs and managed care.

"Yet making sure the information is included in the paper file would help set the record straight for a consumer or attorney who actually reviewed the information to check out a facility's quality of care and compliance record."The availability of accurate information in the paper file could, in fact, even prevent an attorney from filing a lawsuit, Lowe notes.

In addition, providers should make sure state agency records accurately reflect any changes to a facility's statement of deficiencies (HCFA 2567) as a result of successful informal dispute resolution, Impink advises."Facilities should keep in mind, however, that state agencies are not required to correct the statement of deficiencies unless the facility submits a corrected plan of correction," she adds.

When facilities don't submit the corrected copy, the public record copy of the original survey report stands without the corrections or deletions resulting from IDR. Impink says she has found that CMS' Nursing Home Compare Web site

sometimes does not post the IDR changes even if facilities submit the corrected plan of correction as required.

So it's a good idea to check weekly or biweekly to make sure CMS has corrected its Web site.