

Long-Term Care Survey Alert

Survey Management: 5 Ways to Avoid or Get Off the Special Focus Facility List

Don't throw up your hands if you end up an SFF candidate.

CMS is widening and toughening up its Special Focus Facility initiative (see the article on page 81). But your facility can take several actions to stay off a list that could be a one-way trip out of the Medicare program.

1. Make quality a major focus for the organization.

Overall, "facilities that want to stay off the SFF list should focus on quality control," says attorney **Robert Markette Jr.**, with Gilliland & Markette LLP in Indianapolis, Ind. He notes that "if rumors are true that quality is going to be part of compliance plans [under the healthcare reform legislation], facilities have to address quality in more detail anyway, including getting their boards involved in looking at quality outcomes and what needs to be fixed."

2. Review your Five-Star health inspection rankings closely. CMS uses the Five-Star quality rating system methodology as a basis to select SFF candidates, according to a recent survey and certification memo that broadens the SFF list (www.cms.gov/Surveycertificationgeninfo/downloads/SCLetter10_32.pdf). Thus, "facilities should review that rating, ensure its accuracy, and consider how the facility is addressing it," advises attorney **Howard Sollins** with Ober/Kaler in Baltimore. Keep in mind that the risk for getting on the SFF candidate list isn't based just on your facility's own performance, he cautions. "It's also affected by the health inspection rankings of other facilities in the same state."

3. Keep the state survey agency in the loop. Ending up on the candidate list for the SFF initiative doesn't necessarily mean you will be selected for it. Facilities in that position should behave "proactively" so that it's apparent to the state survey agency why they shouldn't be chosen for inclusion, Sollins advises.

4. Recognize an ownership change may not help too late in the game. Sollins notes that facilities are expected to graduate from the SFF list within 24 months or after four standard surveys, whichever comes first. CMS may grant a fifth survey visit if the facility has an ownership change "that signals a much greater likelihood of quality improvement in the near future," according to the survey and certification memo on the SFF program (see the article on page 81).

Yet "an ownership change late into the process, such as to secure a fifth survey, may be a less viable tool if the buyer does not believe it [can] demonstrate a basis for removal from the list in time to avert termination," Sollins warns. Thus, an ownership change isn't "a last minute discussion."

Success story: To find out how one Special Focus Facility not only got off the SFF list but became a bestpractice facility, read the lead story in Long-Term Care Survey Alert, Vol. 12, No. 1, available in the online archive for subscribers. If you haven't yet signed up for the free service, call **1-800-874-9180**.