

Long-Term Care Survey Alert

SURVEY NEWS

Ready for more revised F tags? The **Centers for Medicare & Medicaid Services** recently released for comment a draft of revised survey guidance for F325 (nutritional status). The draft includes an investigative survey protocol that surveyors would use to determine the effectiveness of the facility's response to changes in a resident's nutritional status and weight. Using the protocol as currently written, surveyors would also identify whether "changes in nutritional status and weight" were avoidable or not and how a facility responded to a resident's change in nutritional status and weight.

CMS clarifies residents' rights under Part D ... sort of. Talk about double speak: While residents are "guaranteed" the right to choose a Part D plan, they don't have "unbridled freedom" to choose a pharmacy, according to a May 11 survey and certification letter from the **Centers for Medicare & Medicaid Services**.

The memo says CMS expects nursing homes to work with their current pharmacies to assure they recognize the part D plans chosen by the facility's Medicare beneficiaries.

Or the facility can add pharmacies to "achieve that objective," states the memo. As another option, "the facility could contract exclusively with another pharmacy that contracts more broadly with Part D plans."

Read the memo at www.cms.hhs.gov/SurveyCertificationGenInfo/downloads/SCLetter06-16.pdf.

["The memo says residents don't have unbridled choice of pharmacies but residents do have unbridled choice of Part D plans which creates a dilemma for facilities," comments Marie Infante, an attorney in private practice in Washington, DC. "CMS could have eliminated this entire problem by allowing out-of-network pharmacy access for institutionalized residents but chose not to make that policy decision in the final Part D regulations," she adds.](#)

[Infante notes that while "many nursing homes want to maintain that one-to-one nursing home to pharmacy contract relationship, they may not be able to do that as the initial transition period ends and new residents are admitted to the facility already enrolled in a Part D plan."](#)

What you can do: [Facilities can educate new and prospective residents about all Part D plans that are available, suggests Infante.](#)

[But there should be "no direct or indirect pressure to switch to a plan that is 'preferred' by either the nursing home or its contract long-term care pharmacy pharmacy."](#)