

## Long-Term Care Survey Alert

### **SURVEY NEWS: Ready To Reach Into Your Pockets To Pay For Survey Revisits?**

**The word is that CMS may issue a reg to implement user fees for FY 2007.**

As if civil monetary penalties aren't enough, nursing facilities may soon face a new cost of survey noncompliance.

Continuing budget resolution legislation implemented a user fee program requiring healthcare providers to pay for survey revisits for the 2007 fiscal year.

**Who has to pay:** The fee applies to nursing homes, hospitals, home health agencies, rural health clinics, end-stage renal disease centers, hospices and ambulatory surgical centers, according to **Paula Sanders, JD**, partner, **Post & Schell** in Harrisburg, PA. The user fee would apply to revisits for deficiencies found during an initial certification, recertification or substantiated complaint survey, says Sanders.

The **Centers for Medicare & Medicaid Services** "recently indicated that it may issue a revisit user fee proposed rule as soon as late April" with 30- or 60-day comment periods," relays Sanders.

**There's more: President Bush** also put a user fee requirement in his budget proposal for 2008, but it's up to Congress whether to carry it out, says **Barbara Gay**, a legislative expert with the **American Association of Homes & Services for the Aging**.

AAHSA is lobbying for Congress to not renew the user fee approach. "We think the user fee removes resources for nursing homes that could go to resident care," says Gay. "Facilities that provide good quality of care may still end up paying the fee because fees will result even from minor deficiencies and from deficiencies that are overturned on appeal," she notes.

While the user fee applies to other provider types, including hospitals and home health agencies, AAHSA fears nursing homes would "bear the brunt" of the fee "because they have mandatory surveys" and no deemed status. "Hospitals and home health agencies would not end up having the revisits leading to a user fee to the same extent as nursing homes," Gay tells **Eli**.

**Editor's note:** Look for an update on the survey revisit user fee as news becomes available.