

## Long-Term Care Survey Alert

### Survey Trends: Keep Your Eyes On Texas Deemed Status Proposal

CMS is weighing whether to give pilot the green light.

Texas wants to give a group of accredited nursing facilities credit where credit is due - in the survey arena.

The state just needs the green light from the **Centers for Medicare & Medicaid Services** to allow a pilot group of Medicaid-certified nursing facilities to use the **Joint Commission on Accreditation of Healthcare Organizations** as their survey agency in lieu of the state survey agency.

"The state passed legislation last session to allow the state to pursue a waiver for the pilot," explains **David Thomason**, president of public policy for the **Texas Association of Homes & Services for the Aging**. At press time, CMS had yet to approve the pilot, however, and Thomason doesn't know if that will happen.

"The Texas pilot is the state's attempt to reduce the duplicitous oversight to which nursing homes are subjected," explains **Noelle Brown**, associate director of state relations for the Joint Commission. Currently, nursing homes are not allowed to use their accreditation status to "deem" them in compliance with Medicare/Medicaid conditions of participation. Yet hospitals, labs and most other providers do have so-called deemed status, Brown notes.

TAHSA has mixed views on the pilot or model of allowing deemed status. "JCAHO accreditation costs facilities and facilities also have to attend seminars that are created by the organization," Thomason notes. "TAHSA believes strongly in a well-regulated, thorough, and transparent survey of nursing homes, in order to improve quality of care," Thomason adds. "If the JCAHO process does improve quality or address quality concerns, then that's positive," he adds.

By contrast, the **Texas Health Care Association** (THCA), which represents non-profit and for-profit facilities, is "totally supportive" of and lobbied for the pilot, reports **Tim Graves**, THCA president. "The more we look at resident outcomes rather than penalties, the better off long-term care residents will be," he emphasizes.