

CMS Releases Advance Copy of Revised Nursing Facility State Operations Manual

The federal Centers for Medicare and Medicaid Services (CMS) today posted its [Survey and Certification Letter: Advance Copy](#) - Revisions to State Operations Manual (SOM), Appendix PP - Revised Regulations and Tags (11/9/16). This information is directed to the State survey agencies, including the Wisconsin Division of Quality Assurance (DQA), but obviously is of relevance to all nursing home providers.

This S & C Letter begins the process of implementing the CMS nursing home mega-rule requirements and includes provisions that first become effective on November 28, 2016 (Phase 1 requirements).

- This Letter provides the 'Advance Copy-Revisions to SOM Appendix PP'. It includes the revised regulation text that CMS has incorporated into the SOM Appendix.
 - The Advanced Copy of Appendix PP has been updated to include **all** of the revised regulatory requirements that were released in the final rule. However, only Phase 1 regulatory text is effective in this version of Appendix PP.
 - CMS has included Phase 2 and Phase 3 language, but has distinguished these provisions within Appendix PP, listing their effective dates.
- The deferral of Phase 2 and Phase 3 regulations notwithstanding, this version of Appendix PP is effective 11/28/16 and must be used for surveys occurring on and after 11/28/16.
 - CMS will be issuing a subsequent version of Appendix PP with updated Interpretive Guidance and a re-ordering of F-Tags at a future date.
- The current F-Tags have been revised to include the requirements and regulation text as presented in the final rule.
- Interpretive Guidance ***has not been updated***. Interpretive Guidance will be revised at a later date.

In addition to the advance copy of Appendix PP, there are two other documents attached to this [S & C letter](#), to be used to gain familiarity with the revisions made to the current F-Tags.

- **Regulation Text by Current Tag Order**
 - This document lists all current F-Tags and corresponding regulation text. ***New regulation language is identified in red, italicized text.*** Please note that most F-Tags have new regulatory requirements incorporated.
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- **F-Tag Job Aide**
 - This document lists all current F-Tags, their corresponding regulatory section(s), and subparts. “The intent of the job aide is to inform surveyors of what has been added into the Automated Survey Processing Environment (ASPEN) system used by surveyors. For example, the advance copy of Appendix PP includes regulation text for Phases 1- 3, whereas ASPEN will include regulation text only for Phase 1.”

***All updates/revisions/additions are redlined.**

***Please also note before printing that the full document is 821 pages.**

The release of this information is obviously overwhelming to the nursing facility provider community. LeadingAge Wisconsin and LeadingAge (national) are working on strategies, resources and tools to help members address the many changes required under the mega-rule.

- Members are encouraged to attend one of the Association’s training programs on the CMS mega-rule. LeadingAge Wisconsin, Pathway Health, and the Division of Quality Assurance (DQA) in the Department of Health Services (DHS) are partnering to provide a full-day educational program covering the details of the new requirements and addressing compliance and quality improvement issues.

The dates and locations for this seminar offering are as follows (*space is limited*):

- Friday, December 2 – Eau Claire
- Tuesday, December 6 – Pewaukee
- Wednesday, December 7 – Kimberly

Additional details and registration information is available at:
www.leadingagewi.org/media/38735/MegaRule.pdf.

- Also, the LeadingAge Wisconsin webpage will continually provide updates on the mega-rule under Public Policy; Regulatory Issues and Quality Improvement. Here is the information posted as of November 9, 2016.
 - [CMS Issues Mega-Rule S & C Letter/Appendix PP](#)
 - [CMS -- Access to Mega Rule Training \(Nov 18th\)](#)
 - [MCS Mega-Rule -- Phase I](#)
 - [CMS Nursing Home Mega-Rule: Summary and Guidance for Providers](#)
 - [Mega Rule -- Side-by-Side Summary](#)
- CMS has indicated that on November 18, 2016, it will make available on-demand, online training related to the Phase 1 requirements for providers as described in a recent [Survey & Certification letter](#). When the training materials are complete, CMS will post them [here](#). The training will be available until July 2017. CMS will not track provider utilization of the training, and there is no completion test or certificate provided.

- [CMS Webinar Slides](#): This link provides access to the slides from the October 27, 2016, CMS webinar presentation, Long-Term Care Facilities: Reform of Requirements.

Finally, LeadingAge Wisconsin is urging DQA to fully appreciate the challenges surveyors ***and providers*** face in comprehending and implementing the new mega-rule, even under a phased-in schedule.

We will keep you informed as more information becomes available.

November 9, 2016