

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
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Center for Clinical Standards and Quality/Quality, Safety, and Oversight Group

Ref: QSO 20-34-NH

DATE: June 25, 2020

TO: State Officials, State Survey Agency Directors, and Nursing Home Stakeholders

FROM: Director
Quality Safety and Oversight Group

SUBJECT: Changes to Staffing Information and Quality Measures Posted on the Nursing Home Compare Website and Five Star Quality Rating System due to the COVID-19 Public Health Emergency

Memorandum Summary

The Centers for Medicare & Medicaid Services (CMS) is committed to transparency about changes in publicly reported information on nursing homes during the COVID-19 public health emergency.

Changes to the Nursing Home Compare Website and Five Star Quality Rating System:

- *Staffing Measures and Ratings Domain:* On July 29, 2020, Staffing measures and star ratings will be held constant, and based on data submitted for Calendar Quarter 4 2019.
 - Also, CMS is ending the waiver of the requirement for nursing homes to submit staffing data through the Payroll-Based Journal System. Nursing homes must submit data for Calendar Quarter 2 by August 14, 2020.
- *Quality Measures:* On July 29, 2020, quality measures based on a data collection period ending December 31, 2019 will be held constant.

Background

The CMS [Nursing Home Compare website](#) and Five Star Quality Rating System serve as valuable resources for consumers to view information about nursing homes to support health care decisions for themselves or a loved one. As a result of the 2019 Novel Coronavirus Disease (COVID-19) public health emergency (PHE), CMS issued an unprecedented array of [temporary regulatory waivers](#) and new rules to equip the American healthcare system with maximum flexibility. These waivers and rules also impact the information posted on the Nursing Home Compare website and used in the Five Star Quality Rating System. For example, on March 4,

2020 ([QSO-20-12-ALL](#)), CMS prioritized how nursing homes are inspected to focus on the most serious health and safety threats such as infectious diseases and abuse. Then, on March 23, 2020 ([QSO-20-20-ALL](#)), CMS suspended certain inspections, including standard, fire, and safety inspections, to increase the focus on preventing the spread of COVID-19. Due to these changes, the health inspection domain star rating has been held constant, based on surveys conducted before March 4, 2020 (see [QSO-20-28-NH](#) for more information).

Nursing Home Compare Updates

Staffing Measures and Ratings

Under the COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers, CMS waived the requirements at 42 CFR 483.70(q), which require nursing home providers to submit staffing data through the Payroll-Based Journal (PBJ) system.¹ Because of the waiver, many facilities did not submit staffing data, and thus, CMS will not be able to update the PBJ staffing measures and staffing domain star ratings at the next regularly scheduled update in July 2020. Therefore, on July 29, 2020, staffing measures and ratings will be held constant, and based on data submitted for Calendar Quarter 4 (October – December) 2019. In addition, we recognize that the waiver of the requirement prevented some facilities from improving their rating from their previous quarter's submission. Specifically, facilities whose staffing rating was automatically downgraded to one-star due to missing the deadline for the previous submission, or for reporting four or more days in the quarter with no registered nurse, now will not have the opportunity to correct and improve their staffing rating since the ratings will be held constant. Therefore, CMS will remove the one-star staffing rating downgrade, and instead, these facilities will have their measures and ratings temporarily suppressed.

Emergency Blanket Waiver of Staffing Data Submission Requirement Ended

Although CMS waived the requirement for staffing data submission, approximately 60 percent of facilities still submitted their data. Furthermore, we continue to emphasize the importance of staffing based on its relationship to quality. Therefore, this memorandum serves as notice that, effective immediately, CMS is ending the blanket emergency waiver of 42 CFR 483.70(q), and all nursing homes are required to resume submission of staffing data through the PBJ system as required by the regulation. **Specifically, facilities must submit the requisite staffing data for Calendar Quarter 2 (April – June) 2020 through the PBJ system by August 14, 2020.** In addition, while not required, we also encourage nursing homes to submit data for Calendar Quarter 1 (January – March) 2020. Calendar Quarter 1 data will not be used to calculate staffing measures or ratings; however, CMS will continue to post the data in a public use file on [data.cms.gov](#). Note: Because the waiver is being lifted, staffing measures and ratings will be updated in October 2020 based on data submitted by August 14, 2020.

Quality Measures

Similar to the staffing data waiver, CMS waived requirements at 42 CFR 483.20 related to the timelines for completing and submitting resident assessment (minimum data set (MDS)) information.¹ This information provides the underlying data used to calculate quality measures used on the Nursing Home Compare website and Five Star Quality ratings system. CMS believes that data from resident assessments conducted prior to January 1, 2020, can still be used to calculate quality measures. However, we are concerned that data from resident assessments

¹ <https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>, p.16.

conducted after January 1, 2020 are impacted by the waiver and the PHE. Therefore, beginning July 29, 2020, quality measures based on data collection period ending December 31, 2019 will be held constant. Quality measures that are based on a data collection period prior to December 31, 2019 (e.g., ending September 30, 2019); however, will continue to be updated until the underlying data reaches December 31, 2019. We note that CMS is not holding quality measure ratings constant, as a facility's quality measure rating can still be updated by a quality measure with underlying data that is earlier than December 31, 2019.

For a listing of all quality measures and their underlying data collection period, please view the "[About the Data](#)" page on the Nursing Home Compare website.

Health Inspections and Ratings

We are continuing to monitor inspections, including the restarting of certain inspections (i.e., surveys) per CMS memorandum [QSO-20-31-ALL](#). CMS will restart the inspection ratings as soon as possible, and will communicate any changes to stakeholder in advance of updating the Nursing Home Compare website.

Contact:

Questions about these changes should be directed to BetterCare@cms.hhs.gov.

Effective Date: This policy is effective immediately, and should be communicated to all survey and certification staffing, their managers, and the State/Regional Office training coordinators.

/s/

David Wright