

MEMORANDUM

Texas Department of Aging and Disability Services

TO: Regulatory Services Division
Regional Directors and State Office Managers

FROM: Linda Lothringer, Unit Manager
Policy, Rules and Curriculum Development Unit
State Office MC E-370

SUBJECT: Regional Survey and Certification (RS&C) Letter No. 09-07

DATE: August 21, 2009

The referenced Region VI Centers for Medicare and Medicaid Services (CMS) Regional Survey and Certification (RS&C) Letter was issued on August 20, 2009. This letter, which was distributed by e-mail on the date of its release, is being provided to you for information and action purposes and should be shared with all professional staff.

- RS&C Letter No. 09-07 – Sharing and Implementing Settlement Agreements in the AEM System

If you have any questions, please contact a policy program specialist in the Policy, Rules and Curriculum Development Unit at (512) 438-3161.

Attachment

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Medicare and Medicaid Services
1301 Young Street, Room 833
Dallas, Texas 75202



Division of Survey and Certification, Region VI

August 20, 2009

REGIONAL SURVEY AND CERTIFICATION LETTER NO. 09-07

TO: All State Survey Agencies (Action)
All Title XIX Single State Agencies (Information)

SUBJECT: Sharing and Implementing Settlement Agreements in the AEM system.

The Centers for Medicare & Medicaid Services, Dallas Regional Office (RO) is revising how settlement agreements will be shared with the State Survey Agencies (SA) and how revisions related to the settlement agreements will be completed in AEM.

Effective immediately, the RO will no longer fax settlement agreements to the SA. Instead, the RO will attach the settlement agreement to the respective enforcement case in the AEM system (please see figure 1 & 2) and will notify the SA through AEM (please see figure 3). A notification will be sent to the SA primary case worker (as identified in AEM), who will be responsible for forwarding it to any additional SA staff that may need it. If the settlement agreement includes changes in scope and severity (S/S), the RO will revise the S/S. As needed, the RO will also revise the S/S on subsequent revisits to that survey¹.

The SA will be responsible for reviewing the settlement agreements and making any revisions related to the deficiency evidence. Upon request from the facility, the SA will provide the revised CMS 2567 to the facility. The facility will re-submit its plan of correction and return the completed CMS 2567 to the SA.

These instructions are effective immediately. Please distribute to all staff within 30 days. If you have any questions please call Vilma Acosta at 214-767-4460.

Sincerely,

/s/

David R. Wright
Associate Regional Administrator

¹ This is necessary because the highest scope and severity is extracted for Nursing Home Compare. For example, the first survey visit has F323 at J. When the revisit is created ACO pulls forward F323/J. Changing only the first survey F323/J to G leaves the J at the revisit. Nursing Home Compare will use the J from the revisit, even if the CMS 2567B shows the deficiency corrected before the revisit.

Figure 1:

Case TXXR3L for KINGSVILLE NURSING AND REHABILITATION CENTER (675815) - Cycle Start: 09/22/2007 - Statu... ?

Latest Alleged Compliance Date: Day 23 UJ Removed 3 Calendar Months: 12/22/2007 6 Calendar Months: 03/22/2008 Facility Detail

Case Basics | Surveys & IDR | Remedies | CMP | NATCEP | Notices | Hearing/Appeal | Upload

Summary

Case Status: Federal Status: **Open-Hearing/CMP Collection** Closed // // State Status:
Beginning Case Type: Federal Type: **No Opportunity to Correct**
State Licensure: Double G:
Key Dates: Correction Due Date for Opportunity to Correct: // //
Substantial Compliance: 09/27/2007 hx Override
Cycle Start to Compliance: 5
Initial Transfer to RO: 10/10/2007 hx Set Date
Chain (CMS List):
Chain (State List):
Federal Program Participation Status: **ACTIVE** Status Date: // //
Public Notices: Request for Termination Notice 1: // // Date Notice 1 Appeared: // //
Request for Termination Notice 2: // // Date Notice 2 Appeared: // //
Case Workers:

Worker Name	Phone #	Date Began	Current Primary
ACOSTA, VILMA	(214)767-4460	10/11/2007	<input checked="" type="checkbox"/>
RODARTE, SONIA		10/05/2007	<input checked="" type="checkbox"/>
AUZENNE, DAVID		10/05/2007	<input type="checkbox"/>

 Federal: State: + Add - Remove
Activities:

Sent	Due	Completed	Type	Responsible Party
10/05/2007			18-Review Survey	LAMMONS, KIM
11/08/2007			22-New Survey Added	RODARTE, SONIA
11/08/2007			22-New Survey Added	ACOSTA, VILMA
10/10/2007			23-Case Sent to RO	ACOSTA, VILMA
10/05/2007			31-UJ Situation Added	RODARTE, SONIA

 + Add Modify - Remove
State Case Notes:

B / / U abc

Attachment

Print... Letter/History Notes Attachments Comprt Inv Save & Exit Cancel Help

Figure 2:

Case TXXR3L for KINGSVILLE NURSING AND REHABILITATION CENTER (675815) - Cycle Start: 09/22/2007 - Statu... ?

Latest Alleged Compliance Date: Day 23 IJ Removed 3 Calendar Months 12/22/2007 6 Calendar Months 03/22/2008 Facility Detail

Case Basics | Surveys & IDR | Remedies | CMP | NATCEP | Notices | Hearing/Appeal | Upload

Summary

Case Status: Federal Status: Open-Hearing/CMP Collection Closed // State Status

Beginning Case Type: Federal Type: No Opportunity to Correct

State Licensure: Double G

Federal Program Participation Status: ACTIVE Status Date: //

Key Dates: Correction Due Date for Opportunity to Correct: // Substantial Compliance: 09/27/2007 Cycle Start to Compliance: 5 Initial Transfer to RO: 10/10/2007

Chain (CMS List)

Attachment Documents for Case TXXR3L

Request for	Case ID	Description	File Name	Document	
	1	TXXR3L	CMS Settlement Agreement	ENF-08-0024.pdf	Attach/View
	2				Attach/View

Public No

Request for: 10/05, 11/08, 11/08, 10/10, 10/05

Delete Close Help

+ Add Modify Remove

State Case Notes

Callout: CMS Settlement Agreement saved document

Figure 3:

ASPEN Regional Office Current Selection:

File View Reports Tracking System Help

LA Louisiana Config Survey Facility Recycle E-Mail Print Export Import W/W Index Help ARO AST ARO Selection:

Find

- ASPEN Desktop (Enforcement View)
 - My Cases (ACOSTA, VILMA)
 - Special Cases
 - My Action Items (Acosta, Vilma)
 - 0-9
 - A
 - B
 - C
 - D
 - E
 - F
 - G-H
 - I-K
 - L
 - M
 - N
 - O
 - P-Q
 - R
 - S
 - T
 - U-V
 - W-Z
 - Case Workers

Action Items

Message Text	Date
CASE SENT TO RO TO ENF CASE FOR: HILLSIDE PLAZA (TXYSMF)	07/31/2009- Due
NEW SURVEY ADDED TO ENF CASE FOR: HARVEST MANOR NURSING HOME (LA7NW-X)	07/30/2009- Due
NEW SURVEY ADDED TO ENF CASE FOR: OAK PARK DOCTOR'S CARE (LA11M3)	07/28/2009- Due
NEW SURVEY ADDED TO ENF CASE FOR: OAKS (THE) (LAF5C4)	06/23/2009- Due
NEW SURVEY ADDED TO ENF CASE FOR: RETAMA MANOR NURSING CENTER/EDINBURG ...	07/10/2009- Due
NEW SURVEY ADDED TO ENF CASE FOR: RETAMA MANOR NURSING CENTER/RAYMOND...	07/16/2009- Due
NEW SURVEY ADDED TO ENF CASE FOR: TOWERS NURSING HOME (TXGLPV)	07/28/2009- Due
NEW SURVEY ADDED TO ENF CASE FOR: WILLOW RIDGE NURSING AND REHAB CENTER ...	07/21/2009- Due
NONE TO ENF CASE FOR: RESTHAVEN NURSING & REHAB CTR (LAT554)	07/23/2009- Due
NONE TO ENF CASE FOR: RIVERVIEW CARE CENTER (LA2DUJ)	07/30/2009- Due
REVIEW SURVEY TO ENF CASE FOR: FORTRESS HEALTH & REHAB OF ROCK PRAIRIE LLC (...)	07/08/2009- Due
REVIEW SURVEY TO ENF CASE FOR: GOOD SAMARITAN SOCIETY-BROWNSVILLE (TX2R3R)	07/10/2009- Due
SETTLEMENT AGREEMENT ATTACHED TO ENF CASE FOR: KINGSVILLE NURSING AND RE...	07/31/2009- Due
SUBSTANTIAL COMPLIANCE ACHIEVED TO ENF CASE FOR: MAISON DE LAFAYETTE (LA026R)	07/02/2009- Due
SUBSTANTIAL COMPLIANCE ACHIEVED TO ENF CASE FOR: ST MARTIN DE PORRES MULTI-...	07/24/2009- Due
SUBSTANTIAL COMPLIANCE ACHIEVED TO ENF CASE FOR: WESTON INN HEALTH CENTER...	06/11/2009- Due

Callout: Settlement Agreement Notification to SA