

AUGUST 29, 2013

CMS CLARIFIES REQUIREMENTS FOR MINIMUM DATA SET DISCHARGE ASSESSMENTS

On August 23, 2013, the Centers for Medicare & Medicaid Services ("CMS") published a memorandum that addressed issues arising from incomplete, inaccurate and missing Minimum Data Set ("MDS") Discharge Assessments that adversely affect Skilled Nursing Facilities ("SNFs") and Nursing Facilities ("NFs"). Under 42 C.F.R. §§ 483.20(g) and (f)(1), SNFs and NFs are required to provide an assessment that accurately reflects a resident's status and to provide specific information relative to that assessment within seven days after its completion. Within 14 days after the assessment is completed, it must be transmitted electronically to the CMS system.

Failure to timely provide complete and accurate data affects the accuracy of SNFs' and NFs' MDS 3.0 Quality Measures data, which potentially affect residents, facilities' payments and their liabilities. Additionally, a facility can be cited for noncompliance with 42 C.F.R. §§ 483.20(g) and (f).

In recognition that numerous SNFs and NFs are not in compliance with the discharge assessment regulations, prior to September 30, 2013, CMS is affording these facilities an opportunity to achieve compliance by completing a three-step process for any MDS assessments that are no older than three years as of October 1, 2012. It is strongly recommended that the individual or individuals responsible for a facility's completion and submission of MDS Discharge Assessments review the three-step procedure (on the website below) if they believe the facility is not in compliance with the requirements or to confirm its compliance.

The Memorandum can be accessed [here](#).

If you have questions or concerns regarding the foregoing or would like additional information, please contact Todd Selby at tselby@hallrender.com or 317.977.1440, Brian Jent at bjent@hallrender.com or 317.977.1402, David Bufford at dbufford@hallrender.com or 502.568.9368 or your regular Hall Render attorney.