



January 4, 2024

Administrator Chiquita Brooks-LaSure
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Dear Administrator Brooks-LaSure:

I am writing today to request a meeting with you to discuss the work Centers for Medicare & Medicaid Services (CMS) is undertaking related to the nursing home survey process and how LeadingAge can work with you to improve the survey and enforcement process. We learned during the December 7 Skilled Nursing Facilities / Long Term Care Open Door Forum that new survey strategies will be tested in nursing homes across the country over the next several months. LeadingAge has long advocated for changes to the survey system and we feel encouraged that CMS recognizes that change is needed.

We request that CMS leaders work with stakeholders to consider all options for reform. Nursing home leaders have first-hand experience; their input would ensure a well-rounded and viable result. Similarly, surveyors and survey agency leaders know the strengths and limitations of the current system well. Please allow us to collaborate with you in this endeavor.

LeadingAge was involved in an effort several years ago that illustrates the value of CMS, providers, and surveyors working jointly. In 2008, LeadingAge, known at the time as the American Association of Homes and Services for the Aging (AAHSA), released a [report](#) detailing what our members saw as areas for improvement in the nursing home survey, certification, and enforcement system. CMS has taken steps to improve many things in the 15 years since that report came out. For example, surveyor education and training materials are now publicly available, allowing access for providers and the public. CMS communicates policy changes through Quality, Safety, and Oversight memos on a [public-facing website](#), and the CMS Division of Nursing Homes hosts monthly calls with provider associations, including LeadingAge. These improvements have been invaluable in advancing regulatory compliance.

We are pleased that CMS officials heard what providers were saying 15 years ago and acted to course correct. Regulators and providers working together can be a force for positive, lasting change. However, many of the issues identified in 2008 persist today. The most common concerns that we hear from our members and state partners are that surveys are inconsistent, with wide variability in citation and enforcement across the country and a punitive, "gotcha" approach that does not aid in quality improvement. While we recognize CMS's commitment to the role of "enforcer", we believe there are key points on which we can align to improve the survey process and nursing home quality overall.

LeadingAge is convening our membership and state partners around a plan for legislative, regulatory, and sub-regulatory adjustments to the survey process. We will be advocating for specific strategies in the coming year and feel that some of our work could complement the modifications CMS is currently considering to reallocate survey resources and address survey backlogs. We encourage you to engage with us by making space to discuss updates on our work and feedback on your efforts as your work

progresses. We value our relationship with CMS and look forward to partnering on initiatives toward our shared goal of improving nursing home quality.

I look forward to meeting with you to share information and discuss how we can work together toward our shared goals.

Sincerely,

A handwritten signature in black ink that reads "Katie Smith Sloan". The signature is written in a cursive, flowing style.

Katie Smith-Sloan
President and CEO

About LeadingAge: We represent more than 5,000 aging-focused organizations that touch millions of lives every day. Alongside our members and 38 state partners, we address critical issues by blending applied research, advocacy, education, and community-building. We bring together the most inventive minds in our field to support older adults as they age wherever they call home. We make America a better place to grow old. For more information: www.leadingage.org

CC Jonathan Blum, Principal Deputy Administrator
Evan Shulman, Director, Division of Nursing Homes