



October 18, 2019

Seema Verma, MPH
Administrator
Centers for Medicare and Medicaid Services
Seema.Verma@cms.hhs.gov

Dear Administrator Verma:

On behalf of LeadingAge's 2,000 non-profit nursing homes, I am writing to share our concerns about the lack of CMS guidance on Phase III of the requirements of participation (RoPs) under the final rule issued on October 4, 2016 (81 FR 68688). Enforcement of these requirements must be delayed until state survey agencies and nursing homes have received guidance on how compliance with these requirements will be assessed.

CMS has consistently acknowledged that the Phase III requirements are the most complex and labor-intensive with which to comply. It was for that reason that your agency allowed two years instead of one between the effective dates for Phase II and Phase III.

With less than six weeks to go before the November 28 effective date, we still have no guidance on how compliance will be assessed on requirements involving person-centered care planning; trauma informed care; behavioral health services; infection preventionist; compliance and ethics programs; physical environment; training requirements and competencies of staff; and monitoring dietary. This lack of guidance puts nursing homes in an untenable position, as compliance will require lead time for program development, resource allocation, and staff training.

The situation is even worse for state survey agencies. As of now, surveyors have received no instruction from CMS as to what compliance with these requirements will look like and how they are supposed to assess nursing home performance. The lack of guidance is bound to lead to wide variations in citations on the Phase III requirements.

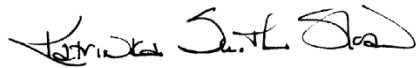
At LeadingAge, we have made every effort to help our members prepare for Phase III. We have posted all information CMS has released on our website, along with tools and other resources for our member nursing homes. Our members likewise have put substantial effort into planning for compliance with the Phase III requirements. But without guidance on the specifics of compliance, we are all working in the dark.

Earlier this year, CMS issued a proposed delay in some of the Phase III requirements, something we greatly appreciated and applauded. We now urge you to delay enforcement of all of the requirements until appropriate guidance has been issued and both nursing homes and survey agencies have a clear idea of what nursing homes must do to comply. Time now is too short for nursing homes and survey agencies to be up to speed on Phase III by the rapidly approaching deadline.

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Quality nursing home care is important to all of us. Both nursing homes and state agencies want to do a good job and fulfill their responsibilities to the best of their abilities. Please honor and facilitate that outcome by extending the Phase III deadline to give all of us a reasonable opportunity to be ready to comply with these requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Smith Sloan". The signature is fluid and cursive, with the first name "Katie" being the most prominent.

Katie Smith Sloan
President & CEO
LeadingAge