



*Protecting, maintaining and improving the health of all Minnesotans*

February 7, 2012

The Honorable David Hann  
75 Rev. Dr. Martin Luther King Jr. Blvd  
Capitol Bldg. Room 328  
Saint Paul, Minnesota 55155

The Honorable Jim Abeler  
The Honorable Steve Gottwalt  
State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, Minnesota 55155

Dear Senator Hann and Representatives Abeler and Gottwalt:

As directed by Laws of Minnesota, 2011 First Special Session, Chapter 9, article 2, Section 19, we are providing you with the status of obtaining a federal waiver to allow Minnesota to implement the following changes:

- (1) Eliminate the requirement for written plans of correction from nursing homes for federal deficiencies issued at a scope and severity that is not widespread, harmful, or in immediate jeopardy; and
- (2) Issue the federal survey form electronically to nursing homes.

Attached to this letter is a copy of the letter sent by MDH staff to the Associate Regional Administrator in the Chicago office of the Centers for Medicare and Medicaid Services, Division of Survey and Certification. In the letter we asked for permission to move ahead with issuing the survey form electronically if this was not going to be pursued on a national level by CMS.

In a conference call which occurred on January 31, 2012, we were given verbal responses to our requests, and we were advised that we would be sent written confirmation of those responses within a few weeks. In short, we were told that CMS does not have the authority to grant (1) because the requirement for written plans of correction is an integral part of federal oversight of nursing homes. CMS staff indicated they would ensure that CMS administrators in Baltimore were aware of the request and their response before they sent it to us in writing.

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We were advised that we could begin work to issue the federal survey forms electronically, and join the two other states in the country, which have begun to do so. They further advised us that although there has been some discussion of implementing a national system to do this, it is not a high priority for CMS, and that they couldn't anticipate when such a system might be implemented.

We have advised the provider associations and the Ombudsman for long-term care of the verbal responses we received, and we will keep them apprised of our progress to implement the electronic survey form. We have not determined whether there will be additional cost to the survey program to develop the system, and we will begin development work as soon as we receive the written confirmation from CMS.

We will forward a copy of that written response to you as soon as we receive it.

Thank you for your interest in improving the survey process and thereby improving the care provided to persons within federally certified skilled nursing facilities.

Sincerely,



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