

Centers for Medicare & Medicaid Services  
Questions and Answers from Open Door Forum:  
Skilled Nursing Facilities/Long Term Care

Thursday, August 5, 2021

1. The question has to do with the COVID-19 vaccination for healthcare providers, quality measure for QRP. It was pretty clear in the final rule that the - this particular measure will impact the APU Adjustment each year, similar to the way that MDS submissions are required to be reported as well. My question is it wouldn't seem clear to me from the final rule or from the C technical specifications for this, how this will actually play into adjusting the APU? So, for example, for MDS submissions, we have to submit 100% of the data to compute the quality reporting measures on at least 80% of the NDS's, or we stand to lose 2% off of our annual payment update. How will the COVID-19 vaccination reporting requirements play out in that regard in terms of a threshold? If it's possible, if you can answer that and how that will combine with or play into the same kind of thing in terms of if I'm complying on NDS, would I stand to lose my 2% if I wasn't compliant for COVID-19?
  - a. Yes, the COVID-19 measure will be a part of the SNF QRP and it will be represented, as you pointed out, a new data source for us. The data will be submitted through the NHSN. The requirement will be that providers will submit one week of data per month. And those three weeks of submitted data will then be used to calculate the measure. If more than one week per month is submitted, the most recent week will be used to calculate the measure and the measure will be calculated by the CDC and sent to CMS. To comply with the requirement, you must submit that one week of data per month and then those three weeks will be used to calculate the quarterly rate.
    - i. So, I understand that. It was pretty clear in the final rulings -- the CDC Web site as well as far as technical specifications -- but my question really is similar to the NDS. If I don't net 80% of my NDS's or 100% of the data necessary, I lose 2%. Is there a threshold similar to that for this? And if I'm not compliant with the COVID-19, will that in and of itself affect my 2% to my APU, or does that combine in some way with my threshold from my MDS's?
      1. That will impact your APU in and of itself.
        - a. If I'm 100% compliant with my MDS submissions but I miss one week or one of the periods of reporting requirements for COVID-19, I'll lose my two percent?
          - i. That's correct.
  2. I'm trying to understand the value-based payment program. And I understand what you state in the final rule, but inside of their - providers are being charged the 2% and being given back only 1.2% and that's across the board. And I'm trying to understand or trying to justify how CMS keeps 40% of that 2% amount at a time when you're basically doing

nothing during the next year with that. And I'm just trying to understand that justification further, especially with the amount of money we're talking about.

- a. With the suppression of the skilled nursing facility, 30-day all cause readmission measure, the scoring policies reference follow on based off of a previously finalized payback percentage policy. So, this actually came from the statute. The program must withhold 12 percent for the SNIF Medicare Part A, fee for service payments, and redistribute that withhold. What I want to make sure you're understanding is that this came from the statute. So, as it was provided by Congress to us, that is the withhold process. And within that, we can return what is allowed and that is what is being returned. So that was the applicable - it sounds like you already read and understood the rule with the - the per diem rates that was allowed. But that threshold was set by statute, not by regulation.
  - i. Partially. So, as I understand the statute, you had to return a certain amount, but CMS determined that amount up to 70% and you determined that to be 60%. And so, why not give 70% or why not this year give the full 100% back is what I'm confused with?
    1. So that was not what was in the proposed rules. The policy maintained compliance again with the payback percentage policies. Again, if we must withhold 2% and the redistribution of that withhold must be kept in form of incentive payments that will be returned, we are not returning those but we are keeping what was less than would have been otherwise. So that is not removing accountability, which is also one of the factors that went into why it stayed at the threshold that it was to uphold the statute requirements. So, kind of - hopefully that's as clear as we can possibly get but it speaks back to essentially being complying with our requirements.
3. I wondered if the measure specs are now posted for the SNF QRP measures. And then with Internet Explorer support being retired, what other browsers are you successfully with iQIES and C Keys and CMS Net?
  - a. Google Chrome works, but I would have to check with the team to know further. That's actually something that's a little bit out of the scope of what I've been working with. As far as iQIES is concerned, iQIES will work on all modern browsers, which is the replacement for keys in the future. As far as the other question, I'm going to have to defer to someone else on the call. I believe your question was if the measure specs are posted for the SNF HAI measure, I'm assuming you're referring to, and the draft specifications are actually posted on the SNF QRP measure and technical information page and then the NHS and the COVID-19 vaccination coverage information is posted.
4. Question about the SNF value-based purchasing. I understand everyone's at zero and we'll get a 1.2% payback. And I'm wondering if you have the incentive multiplier for that 1.2%? We're so used to using our incentive multipliers to figure out our payments. And is there a .8 or 99 multiplier we can use?

- a. I unfortunately do not have that multiplier available. We will make sure we source that and put that in future materials. Thanks for the recommendation.
    - i. Could whoever was giving the lists of reports to run, run through those again? That was really quick. So, I have the census report and then I didn't know the numbers of all the others that you were talking about. The (CASPER) reports to run - related to the QRP.
      - 1. We didn't give a list of (CASPER) reports to run. I think that was with the payroll base, the PBJ...the list of those reports is 1700D.
- 5. Do we have some information on when to expect the updated Appendix PP - the requirement of participation. And the second part is I'm assuming there are no changes to the MDS items set going from October 1st of this year. Will there be an addendum or some sort of addition to the RAI user's manual and will we be looking for a PRA disclosure statement?
  - a. There is not an MDS item set. Any changes planned to the items set for October 1, 2021 twenty one, and at this point, we don't have any plans to issue an addendum and consequently, there will not be a new PRA. I can't speak to the appendix PP though.
- 6. Related to the expanded VVP measures under consideration list - the 15 that were sort of posted in the final rule. Do you guys have a timeline on that? It's something that's going to be worked through in the rulemaking next year, fiscal year 2023, and then finalized next year, or is that going to be something that's going to be done sort of in the interim as those measures are developed? Can you give us some sense of the timeline related to these?
  - a. You kind of hit the nail on the head in terms of we'll look at how that expansion will progress based off of measures that are already required for long-term care facilities that include (SNIFFS) and nursing facilities. And then we will assess the quality of care that could be valued and which measures would be most important given the care settings and conditions that are currently being under review both within our beneficiary population and within the facilities at large. We did get a lot of stakeholder input and some of the some of those prioritizations were very clear on what would be looking for in an earlier time period as opposed to future years in our proposed rules. So, you'll definitely see that in the next year. So, I just want to make sure that - we got a lot of feedback, it was very helpful. And there will be a scaling or path forward on how that expansion will proceed.
    - i. Will that immediately expand to nine or will that be a progression? Do you guys have any idea on that yet?
      - 1. It will not immediately expand so the challenge point also is the score and dynamics for the SNFs is also something that will be factored in. And for other value-based purchasing programs, you have more than one or two measures. What's the prioritization and precedence?

- a. there's lots of thoughtful processing that was - that came in and we'll have that laid out in the proposed rules going forward. It's not just the measure expansion but it's also the SNF's value-based purchasing - the scoring, if you will, of the measures as far as they would move out. But no, there is a forward-looking process. Could we include all nine next year? It could. Is it likely? Not at this time. If that was the case, we would have had a very different approach, closing out the - the final rule this year. So hopefully that's helpful. I can't really speak to the future with any definition, but it should be a gradual and thoughtful process.