



DEPARTMENT OF HEALTH & HUMAN SERVICES

To: State Medicaid Agency Directors
State Unit on Aging Directors
State Long-Term Care Ombudsman Programs
Money Follows the Person Project Directors
State Points of Contact for MDS 3.0 Section Q Referrals
National Council on Independent Living

From: Kathy Greenlee, Assistant Secretary for Aging
Cindy Mann, Director, Center for Medicaid, CHIP and Survey & Certification

Subject: Skilled Nursing Facility/Nursing Facility (SNF/NF) Minimum Data Set (MDS) 3.0 and Opportunities for Coordination Related to Section Q Implementation (Return to the Community Referral)

Date: November 3, 2010

The purpose of this memorandum is to inform State Medicaid Agencies (SMA) and other stakeholders about opportunities for collaboration and coordination with State Long-Term Care Ombudsman Programs for the implementation of the SNF/NF MDS 3.0 assessment tool. The MDS is administered to all individuals in SNF/NFs nationwide that receive Medicaid and/or Medicare funding. In effort to support individuals living in SNFs/NFs who wish to learn about available home and community based services (HCBS) options and available long-term care (LTC) supports in the community, the Centers for Medicare & Medicaid Services (CMS) has revised the Minimum Data Set (MDS) version 3.0 Section Q.

Effective October 1, 2010, the staffs working in Medicaid and/or Medicare certified SNFs/NFs will begin asking residents the following question upon admission, quarterly, upon significant change, and at other regularly-scheduled assessment time frames: "Do you want to talk with someone about the possibility of returning to the community?" If the response is "yes," the facility staff will contact the SMA designated Local Contact Agency (LCA).

States, as part of their efforts to prepare for successful implementation of the MDS 3.0 Section Q, have named a State level point of contact (POC) to be available to address questions and concerns of organizations, providers and other stakeholders. The POC list and other information and resources for Section Q implementation are available at http://www.cms.gov/CommunityServices/10_CommunityLivingInitiative.asp#TopOfPag

States are designating their LCAs, which include entities such as Aging and Disability Resource Centers (ADRCs), Centers for Independent Living (CILs), Area Agencies on Aging (AAAs), and Money Follows the Person (MFP) Demonstration Program transition coordinators. LCAs will assist the resident and the SNF/NF by talking to the resident (and/or resident representative) and providing information about HCBS and other LTC supports available in the community which are appropriate to the individual's needs. The LCA will also work with the SNF/NF by providing information to begin transition planning for residents requesting this information.

Funding Opportunities for Building State Capacity to Implement Section Q

Many ADRCs and other entities designated as LCAs have expressed their need for resources to successfully implement Section Q. A number of States have requested federal funds to assist in Section Q implementation through the “ADRC Nursing Home Transition and Diversion Program Grant,” Part C of a series of grant opportunities titled “Implementing the Affordable Care Act” (OMB Approval No. 0985-0018). Twenty-five States submitted proposals and have been awarded this grant opportunity. (See Attachment A for list of Grantee States).

We realize that other entities within the Aging Network are likely to have increased demand for their information and referral services as a result of Section Q implementation as well. For example, the Long-Term Care Ombudsman Program may see increased numbers of complaints (especially related to care planning and requests for less restrictive placements) and more requests for individual consultations from residents, families, and facility staff seeking to understand the Section Q process. Similarly, information and assistance services of AAAs and/or other aging services providers may increase as consumers request to speak to the LCAs to learn about available HCBS and LTC supports available in the community. In order to successfully implement Section Q in every State, we strongly encourage each SMA to work in coordination with their respective State Unit on Aging Director and Office of the State Long-Term Care (LTC) Ombudsman as well as other transition support entities within their States.

The Office of the State LTC Ombudsman is a stakeholder that should be included in the development and implementation of all MFP programs. They are a critical resource to provide information to the SMA on how the Section Q referral and follow-up process is functioning and to handle consumer complaints should they arise. Any State that currently has an MFP Demonstration Grant program can request supplemental administrative funds to work directly with the State LTC Ombudsman. Examples of activities that the State LTC Ombudsman can assist with include: conducting outreach; providing information and educating residents/families of SNF/NFs and consumers about community care resources; making referrals to LCAs; and resolving consumer complaints related to Section Q referrals and follow-up activities. Current MFP Grantee supplemental budget requests are due in late Fall 2010.

At this time, 29 States and the District of Columbia have MFP Demonstration Grant Programs in progress (see Attachment B). The MFP Demonstration program has been expanded and extended by the 2010 amendment of the 2005 Deficit Reduction Act and 14 additional States have indicated intent to apply for the MFP program in January 2011 (See Attachment C).

In addition, any State that is planning to submit an Operational Protocol for a MFP Grant in January 2011 should consider including the State LTC Ombudsman Office in their development and planned implementation activities. They also can consider contracting with their State LTC Ombudsman office. MFP grantees can pay for these activities through administrative funds at 100% Federal match.

Additional Opportunity for Collaboration

Many low-income Medicare beneficiaries that return to the community from nursing homes qualify for a number of programs, such as Low Income Subsidy (LIS), Medicare Savings Programs (MSP), and others that can help them make ends meet and improve their overall health. States should take advantage of the opportunity to collaborate with various organizations in the

Aging Network to improve and streamline access for eligible beneficiaries to enroll in these other benefits programs in coordination with the Medicaid eligibility process. Additional guidance on the implementation of certain provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) can be found at:
<https://www.cms.gov/smdl/downloads/SMD10003.PDF>.

Thank you for your efforts to successfully implement MDS 3.0 in your states and for disseminating this information to other stakeholders. For more information about MDS 3.0 Section Q implementation please contact Marybeth Ribar at Marybeth.Ribar@cms.hhs.gov or John Sorensen at John.Sorensen@cms.hhs.gov at CMS, or Becky A. Kurtz, Director, Office of Long-Term Care Ombudsman Programs at Becky.Kurtz@aoa.hhs.gov at AoA.

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/s/

Assistant Secretary for Aging
Administration on Aging

Director
Center for Medicaid, CHIP and Survey & Certification

Attachment A

October 1, 2010 Aging and Disability Resource Center Supplemental Grant Awardees

Arkansas
California
Connecticut
Delaware
District of Columbia
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Michigan
Missouri
Nebraska
New Hampshire
North Carolina
North Dakota
New York
Oklahoma
Oregon
Pennsylvania
Texas
Virginia
Washington
Wisconsin

Money Follows the Person Demonstration Program States as of October, 2010

Arkansas
California
Connecticut
Delaware
District of Columbia
Georgia
Kansas
Kentucky
Iowa
Indiana
Illinois
Hawaii
Louisiana
Maryland
Michigan
Missouri
Nebraska
New Hampshire
New Jersey
New York
North Carolina
North Dakota
South Carolina (inactive program)
Oklahoma
Ohio
Oregon
Pennsylvania
Texas
Virginia
Washington
Wisconsin

For MFP Project Director contact information please visit http://72.73.52.71/stateMFP_PD.htm

Attachment C

States who have sent in “Notice of Intent to Apply” for Money Follows the Person Demonstration Grant Program

Alabama
Florida
Colorado
Idaho
Maine
Massachusetts
Minnesota
Mississippi
Nevada
New Mexico
Rhode Island
Tennessee
Utah
West Virginia