



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5600

January 19, 2017

ALTSA NH #2017-001
S&C 16-21-ALL: UPDATED GUIDANCE TO SURVEYORS ON FEDERAL
REQUIREMENTS FOR PROVIDING SERVICES TO JUSTICE INVOLVED INDIVIDUALS

Dear Nursing Facility/Home Administrator:

The Centers for Medicare & Medicaid Services (CMS) shared that many states are examining the role that the health care system plays in providing vital services to individuals during and following a period of incarceration. In particular, States are considering the role that Medicaid can play in facilitating better access to health care for individuals prior to, during, and after a stay in a correctional facility. It is possible that some Department of Correction's (DOC) or law enforcement's terms of supervision may conflict with CMS requirements, if those terms affect the care and services being provided in the nursing home or if the nursing home is violating an individual's rights by enforcing the terms directly.

Under federal requirements, a nursing home cannot incorporate into care plans restrictions that violate resident rights, and cannot serve as an agent of the pertinent law enforcement or criminal justice supervisory authority by enforcing supervisory conditions or reporting violations of those conditions to officials. Additionally, there can be no integration of the criminal justice supervisory function into the essential operations or physical environment of the nursing home, such as parole officers attending inpatient care planning meetings or the DOC maintaining an office within the nursing home.

The S&C memo can be found online at: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-16-21.pdf>; included are some justice-involved scenarios provided by CMS for your reference.

Thank you for your continued commitment to the health and safety of nursing home residents. If you have any questions, please contact your local RCS Field Manager.

Sincerely,

Candace Goehring, Director
Residential Care Services

"Transforming Lives"