



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

May 26, 2017

AL TSA: NH #2017-014
**S&C 17-27-NH IMPLEMENTATION ISSUES, LONG-TERM CARE REGULATORY CHANGES:
SUBSTANDARD QUALITY OF CARE (SQC) AND CLARIFICATION OF NOTICE BEFORE
TRANSFER OR DISCHARGE REQUIREMENTS**

Dear Nursing Facility/Home Administrator:

A new definition of Substandard Quality of Care (SQC) was added to 42 CFR 488.301 by the Final Rule to reform the requirements for long-term care facilities that went into effect on November 28, 2016 (81 FR 68688). There were no substantial or substantive changes to the content of what types of deficient practices would result in SQC, however, the regulatory citations to the relevant requirements have changed.

The regulation at 42 CFR 483.15(c)(3)(i) requires, in part, that before a facility transfers or discharges a resident, the facility must “notify the resident and the resident’s representative(s) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand...” The facility must also “...send a copy of the notice to a representative of the Office of the State Long-Term Care Ombudsman.” Sending a copy of the notice to a representative of the Office of the State Long-Term Care (LTC) Ombudsman provides added protection to residents and ensures the Office of the State LTC Ombudsman is aware of facility practices and activities related to transfers and discharges.

- **New Definition for SQC:** A new regulatory definition was published in the Centers for Medicare & Medicaid Services (CMS) 2016 Final Long-term Care Rule and became effective on November 28, 2016.
- **Implementing SQC:** The new regulatory definition will affect which F-tags and regulatory groupings are considered to be SQC in both Phase 1 and Phase 2 of the Final Rule implementation process.
- **Notice Before Transfer or Discharge Requirements:** CMS is also providing clarification in advance of formal interpretive guidance of 42 CFR §483.15(c)(3)(i) which requires facilities to send a copy of the notice of transfer or discharge to the Office of the State Long-Term Care Ombudsman.

Additional information and the S&C memo can be found at

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-17-27.pdf>

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”