



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

August 3, 2022

ALTSA: NH #2022-045  
**CMS QSO-22-19-NH: ANNOUNCING REVISIONS TO SURVEYOR GUIDANCE FOR  
PHASES 2 & 3, ARBITRATION AGREEMENTS, INVESTIGATING COMPLAINTS &  
FACILITY REPORTED INCIDENTS, AND THE PSYCHOSOCIAL OUTCOME SEVERITY GUIDE**

Dear Nursing Facility/Home Administrator:

In 2016, Centers for Medicare and Medicaid Services (CMS) overhauled the [Requirements for Participation](#) for Long-Term Care (LTC) facilities, including nursing homes. The requirements were implemented in three phases: Phase 1 – November 2016, Phase 2 – November 2017, and Phase 3 – November 28, 2019. Also in 2019, the Government Accountability Office (GAO) [published a report on abuse in nursing homes](#). The report showed variations among states in processing and tracking reports of abuse and neglect and issues investigating complaints timely and consistently.

**On June 29, 2022, CMS** released [QSO-22-19-NH](#), including “significant” revisions to surveyor guidance for Phases 2 & 3, arbitration agreement requirements, investigating complaints & facility reported incidents (FRIs), and the Psychosocial Outcome Severity Guide. The guidance will be updated in [Appendix PP of the State Operations Manual](#) (SOM) and the Automated Survey Process Environment (ASPEN). This will allow Residential Care Services (RCS), nursing homes, and the public to see how compliance will be assessed.

**Revised Surveyor Guidance Summary:**

- **Phase 2 Clarification and Technical Corrections:** The Critical Element (CE) Pathways and the SOM have been updated to include significant revisions and additional guidance to enhance quality and oversight in the following areas:
  - Abuse and neglect
  - Admission, transfer, and discharge
  - Mental Health/Substance Use Disorder (SUD)
  - Payroll Based Journal/Nurse Staffing
  - Resident rights
  - Potential inaccurate diagnosis and/or assessment
  - Pharmacy Services
- **Phase 3 Updated Guidance and Requirements:** CMS updated the guidance requiring all facilities to have an Infection Preventionist at least part time and based on the needs of the facility. In addition, CMS incorporated the review of COVID-19 requirements and F885, F886, F887, and F888 to the survey software.
- **Arbitration Requirements:** Guidance prohibits facilities from requiring residents to sign binding arbitration agreements as a condition of admission to the facility, or as a requirement to continue to receive care at that facility.
- **Training Resources:** Training on the changes with the regulations and guidance will be located on QSEP for providers and surveyors starting September 2022:  
<https://qsep.cms.gov/welcome.aspx>.

Dear NH Administrator: CMS QSO-22-19-NH Announcing Revisions to Surveyor Guidance for Phases 2 & 3, Arbitration Agreements, Investigating Complaints and Facility Reported Incidents, and the Psychosocial Outcome Severity Guide

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- **Complaint Investigations:** CMS revised Chapter 5 of the SOM to clarify expectations communicating with complainants, reporting guidelines, timeframes for investigation, and removed the term “substantiate” from the SOM.
- **[Psychosocial Outcome Severity Guide](#):** CMS revised guidance to clarify the reasonable person concept and examples across the different severity levels.

Thank you for your continued commitment to resident health and safety. If you have any questions, please contact Molly McClintock, Nursing Home Policy Program Manager, at (360) 742-6966 or [molly.mcclintock@dshs.wa.gov](mailto:molly.mcclintock@dshs.wa.gov).

Sincerely,



Mike Anbesse, Director  
Residential Care Services

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