



December 22, 2008

## Health Care Bulletin

### CMS FIVE STAR NURSING HOME QUALITY RATING SYSTEM RESULTS HAVE BEEN PUBLISHED

#### To our clients and friends:

The results of the CMS Five Star Nursing Home Quality rating system were published on December 18, 2008. The ratings of nursing homes nationwide are now accessible by all. The public can view the results at:

[www.medicare.gov/NHCompare/Include/DataSection/Questions/SearchCriteriaNEW.asp](http://www.medicare.gov/NHCompare/Include/DataSection/Questions/SearchCriteriaNEW.asp)

When reviewing your facility results, we urge you to analyze the results through the eyes of consumers and discharge planners, as this is the populace that will most heavily rely on the rating system.

If your facility rating is markedly

different than you expected, you are not alone. There is concern and consternation throughout the industry about the flawed inspection process, the flawed data and the negative impact this faulty rating system will have on nursing facilities across the country.

National and state trade associations are questioning the accuracy and the reliability of the Five Star rating system and are examining options to remedy the flawed system. The Health Care Practice Group at Benesch Friedlander Coplan and Aronoff, LLP is monitoring the progress of the various remedial efforts and is currently exploring options available to owners and operators that

are dissatisfied with their results or question the accuracy of the data utilized in determining their rating. If you are concerned about your rating and would like to discuss your options, please do not hesitate to call us.

We are examining the impact that misinformation and/or misapplied information with regard to survey results, quality measures and/or staffing measures can have on a facility's rating. As we continue to monitor and analyze the impact of the Five Star rating system on the nursing home industry, we welcome your input. Please contact us to share your concerns and insights that will assist us in our analysis.

*As a reminder, this Advisory is being sent to draw your attention to issues and is not to replace legal counseling.*

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