CLIENT ALERTS & INSIGHTS

CMS Five Star Nursing Home Quality Rating System Results Have Been Published

DECEMBER 22, 2008

Authors: Frank Carsonie, Alan E. Schabes

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

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.

For more information, please contact:

Gregory G. Binford at 215.363.4617 or gbinford@beneschlaw.com

Frank W. Carsonie at 614.223.9361 or fcarsonie@beneschlaw.com

Kelly Custer at 614.223.9344 or kcuster@beneschlaw.com

Michael Distelhorst at 614.223.9386 or mdistelhorst@beneschlaw.com

Ryan P. Hooper at 216.363.4195 or rhooper@beneschlaw.com

Jayne E. Juvan at 216.363.4636 or jjuvan@beneschlaw.com

Harry M. Brown at 216.363.4606 or hbrown@beneschlaw.com

Janet K. Feldkamp at 614.223.9328 or jfeldkamp@beneschlaw.com

Beth Rosenbaum at 216.363.4519 or brosenbaum@beneschlaw.com

Alan E. Schabes at 216.363.4589 or aschabes@beneschlaw.com

Martha J. Sweterlitsch at 614.223.9367 or msweterlitsch@beneschlaw.com