



National Association of State Long-Term Care Ombudsman Programs

September 10, 2009

The Honorable Kathleen Sebelius
Secretary
The U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

As mandated by the Older Americans Act, the mission of the Long-Term Care Ombudsman Program is to seek resolution of problems and advocate for the rights of residents of long-term care facilities with the goal of enhancing the quality of life and care of residents. We assist residents of thousands of long-term care facilities across the nation. We were, therefore, very disappointed to learn that thirty-one state attorneys general recently requested that CMS eliminate the Five-Star Quality Rating System currently in use on the Nursing Home Compare Web site.

The National Association of State Long-Term Care Ombudsmen (NASOP) recognizes the consumer advocacy behind the concern the attorneys general brought to your attention. However, as the voice of long-term care ombudsmen who work daily with the very long-term care residents who benefit from the Five-Star System, I felt it imperative to lend our voice to this debate.

One of the most valuable services ombudsmen offer to prospective long-term care residents and their families is assistance in choosing a quality facility at the outset. For years, however, ombudsmen and other consumer advocates have been stymied by the lack of a means of assisting consumers to do so. The CMS Five-Star Quality Rating System took a giant step toward bridging that gap. The system is a tool, among others, that provides objective and systematic information to consumers and invites judicious questions of providers who fail to maintain at least an average rating among their peers.

To be sure, the Five-Star System has its weaknesses; among them, the self-reporting nature of facility staffing data and the lack of family and resident satisfaction data. These weaknesses do not render the system useless, however, and we are impressed by CMS's commitment to making necessary changes, as evidenced by meetings held this summer with interested parties to address provider and consumer advocate concerns. NASOP looks forward to working with CMS on these and other challenges to improve the system and make it even more useful to consumers and their families.

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NASOP respectfully requests the Department to maintain the Five-Star system in the face of pressure to do away with it. We continue to support the Department in its efforts to provide valuable information to consumers.

Best regards,

Beverley L. Laubert
President

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