

HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 416, 418, 482, 483, 484, 485, 486, and 491

[CMS-3225-P]

RIN 0938-AP94

Medicare and Medicaid Programs; Patient Notification of Right To Access State Survey Agencies and Medicare Beneficiary Notification of the Right To Access Quality Improvement Organizations

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

Comments filed electronically on April 3, 2011 through www.regulations.gov:

NASOP supports giving consumers of Medicare and Medicaid services as many opportunities as possible to voice grievances about the services they receive or services that are lacking in quality and/or quantity. Our comments below are aimed at improving the process outlined in the proposed rule.

1. The requirement for written complaints is onerous for nursing home residents. Complaints made by phone should be acceptable.
2. Additionally, to make filing written complaints less burdensome, an optional standardized complaint form should be developed.
3. Notice about the right to file a complaint with the QIO should also be given at the end of service
4. The preamble states that when a QIO receives a complaint that does not fit within the QIO's purview, CMS expects the QIO to direct the complainant to the facility for information about the state survey agency. We are concerned about this expectation. First, the complainant would lose confidentiality when asking the facility how to file a complaint. Second, it would be more efficient and would protect the complainant if the QIO would simply provide the contact information for the survey agency. We understand that nursing facilities are required to post this information but easing the process should be the priority.
5. Regarding our 4th comment, the QIO should also provide the contact information for the Office of the State Long-Term Care Ombudsman when the complaint is about a nursing facility.

Thank you for the opportunity to provide comment on this important regulation.