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California Department of Public Health



ARNOLD SCHWARZENEGGER
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February 26, 2010

AFL 10-05

TO: Skilled Nursing Facilities (SNFs)

SUBJECT: Centers for Medicare and Medicaid (CMS) Five Star Rating Posting Requirement

AUTHORITY: Assembly Bill (AB) 215 (Feuer, Chapter 420, Statutes of 2009)

This letter is being sent to notify you of new legislation established by AB 215. The following information represents the new requirements set forth by this chaptered legislation as it affects SNFs certified for Medicare and/or Medicaid.

Effective January 1, 2011, Health and Safety Code Section 1418.21 requires that a skilled nursing facility **that has been certified for purposes of Medicare or Medicaid** post the overall facility rating information determined by the federal Centers for Medicare and Medicaid Services (CMS) in accordance with the following requirements:

- (1) The information shall be posted in at least the following locations in the facility:
 - (A) An area accessible and visible to members of the public.
 - (B) An area used for employee breaks.
 - (C) An area used by residents for communal functions, such as dining, resident council meetings, or activities.
- (2) The information shall be posted on white or light-colored paper that includes all of the following, in the following order:
 - (A) The full name of the facility, in a clear and easily readable font of at least 28 point.
 - (B) The full address of the facility in a clear and easily readable font of at least 20 point.
 - (C) The most recent overall star rating given by CMS to that facility, except that a facility shall have seven business days from the date when it receives a different rating from the CMS to include the updated rating in the posting. The star rating shall be aligned in the center of the page. The star rating shall be expressed as the number that reflects the number of stars given to the facility by the CMS. The number shall be in a clear and easily readable font of at least two inches print.

(D) Directly below the star symbols shall be the following text in a clear and easily readable font of at least 28 point:

“The above number is out of 5 stars.”

(E) Directly below the text described in subparagraph (D) shall be the following text in a clear and easily readable font of at least 14 point:

“This facility is reviewed annually and has been licensed by the State of California and certified by the federal Centers for Medicare and Medicaid Services (CMS). CMS rates facilities that are certified to accept Medicare or Medicaid. CMS gave the above rating to this facility. A detailed explanation of this rating is maintained at this facility and will be made available upon request. This information can also be accessed online at the Nursing Home Compare Internet Web site at <http://www.medicare.gov/NHcompare>. Like any information, the Five-Star Quality Rating System has strengths and limits. The criteria upon which the rating is determined may not represent all of the aspects of care that may be important to you. You are encouraged to discuss the rating with facility staff. The Five-Star Quality Rating System was created to help consumers, their families, and caregivers compare nursing homes more easily and help identify areas about which you may want to ask questions. Nursing home ratings are assigned based on ratings given to health inspections, staffing, and quality measures. Some areas are assigned a greater weight than other areas. These ratings are combined to calculate the overall rating posted here.”

(F) Directly below the text described in subparagraph (E), the following text shall appear in a clear and easily readable font of at least 14 point:

“State licensing information on skilled nursing facilities is available on the State Department of Public Health’s Internet Web site at: www.cdph.ca.gov, under Programs, Licensing and Certification, Health Facilities Consumer Information System.”

(3) For the purposes of section (E), “a detailed explanation of this rating” shall include, but shall not be limited to, a printout of the information explaining the Five-Star Quality Rating System that is available on the CMS Nursing Home Compare Internet Web site. This information shall be maintained at the facility and shall be made available upon request.

(4) The facility rating posting requirements under HSC Section 1418.21 shall be in addition to any other posting or inspection report availability requirements.

Violation of this section shall constitute a class B violation, as defined in subdivision (e) of HSC Section 1424.

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The information in this All Facilities Letter is a summary of AB 215 and facilities should refer to the full text to ensure compliance. The California Department of Public Health's failure to expressly notify facilities of legislative changes does not relieve facilities of their responsibility for following all laws and for being aware of all legislative changes.

If you have any questions, please contact your local District Office.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

Kathleen Billingsley, R.N.
Deputy Director
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