December 18, 2018

Christopher E. Laxton, CAE
Chair of the Board
Advancing Excellence in Long-Term Care Collaborative
10500 Little Patuxent Parkway, Suite 210
Columbia, MD 21044

Dear Mr. Laxton:

Thank you for your letter regarding the Centers for Medicare & Medicaid Services (CMS) collection and public reporting of medical director information for the nation’s 15,500 nursing homes.

In your letter, you state that despite Federal regulations requiring nursing facilities to designate a physician as medical director in Section 483.70(h), that CMS has not directed nursing homes to submit to the CMS national, regional or state office the name(s) of their medical directors or to notify CMS when that position changes. Federal regulations in 42CFR, Part 483, Subpart B Requirements for Long Term Care Facilities, do not require nursing homes to submit the names of their medical director or to notify CMS when there are changes in the medical director position.

During a facility survey, surveyors evaluate compliance with federal requirements in section 483.70(h)(1)&(2), which require the facility to designate a physician to serve as a medical director who is responsible for implementing resident care policies and coordinating medical care in the facility. If during the survey process, surveyors identify that the facility has not designated a physician serve as the medical director, and/or the requirements of the medical director have not been met, the facility will be cited for noncompliance with the medical director requirements. We note that issues related to the financial kickback schemes cited in your letter are outside the scope of the survey process and requirements for participation. If surveyors suspect there are violations of other laws or regulations, they are expected to refer the case to the appropriate agency/entity.

We appreciate and agree with your statement that an actively engaged medical director, who fulfills the regulatory requirements of the role, contributes significantly to important improvements in the nursing home environment and the health and safety of the residents residing in the nursing home. CMS believes that our current regulations related to the requirements of a medical director adequately address the health and safety of residents, and that the establishment of a national directory is not needed. Additionally, we believe it would add unnecessary burden to providers.
I appreciate your interest in working together to improve the health and safety of the residents in our nation’s nursing homes.

Sincerely,

[Signature]

Kate Goodrich, MD, MHS
Director, Center for Clinical Standards and Quality
Chief Medical Officer
Centers for Medicare & Medicaid Services