

The Growing Importance of Nursing Home 5-Star Ratings and How They are Impacted by Survey Findings

Background

The Centers for Medicare & Medicaid Services (CMS) created the 5-Star Quality Rating System to help consumers, families, and caregivers compare nursing homes more easily and to help them decide which facilities to consider. *The Nursing Home Compare website*¹ features a system that gives each nursing home a rating of between 1 and 5 stars. Nursing homes with 5 stars are considered to have much above average quality and those with 1 star are considered to have quality much below average.

Under this system, there is one overall 5-star rating for each nursing home made up of separate ratings for: (1) **Health Inspections** – The health inspection rating contains information from the last 3 years² of on-site inspections, including both standard surveys and any complaint surveys; (2) **Staffing** – The staffing rating has information about the number of hours of care provided on average to each resident each day by nursing staff; and (3) **Quality Measures (QMs)** – The QM measure rating has information on 16 different physical and clinical measures for nursing home residents.³

Growing Importance of Nursing Home Ratings

Receiving a better than average 5-star rating has never been more important to nursing homes. These ratings are increasingly used by consumers, regulators, insurers and other payers, and provider networks to select which facilities they will consider having relationships with. The ratings are also often a first stop for lenders and investors, who consult them to decide whether a nursing home is a safe investment.

- **Consumers:** According to CMS, the rating system gives consumers, patients/residents, and family members a broad overview of how nursing homes are assessed for quality, and helps these individuals to make informed decisions on which nursing homes to consider for needed services.
- **Regulators:** Nursing homes' ability to obtain New York State Certificate of Need (CON) approval for facility renovations, restructurings, or sales/purchases could be affected by their star ratings. CON applicants' 5-star ratings are now examined for this purpose as part of the facility character and competence review. In addition, any facility seeking to be a training site for New York's Administrator-in-Training program must have an overall 3-star rating or an overall 2-star rating with a quality measures rating of at least 4 stars.
- **Providers and practitioners:** When nurses and doctors discharge patients from hospitals, they often use the 5-star ratings in referral decisions. Some Performing Provider Systems – the large provider networks operating throughout the State and New York's vision for delivery system reform – are also relying on the ratings to select their network partners.

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- **Insurers:** Insurers consider these ratings when setting up their service networks. Several Medicaid managed care plans, Medicare Advantage plans and Medicare Special Needs plans will not include nursing homes with less than 3-star ratings in their networks. Taken together, these insurers control a sizable proportion of nursing home revenues.
- **Nursing Home Quality Initiative:** Through its Nursing Home Quality Initiative (NHQI), New York annually reduces Medicaid nursing home reimbursement by \$50 million, which it redistributes to nursing homes based on measures of compliance, quality and avoidable hospital use. The 5-star Health Inspections rating and other elements of the 5-star rating system are used to determine distributions under this program. State lawmakers also recently authorized an additional 2% Medicaid rate penalty on nursing homes with the lowest NHQI scores.

(over)

¹ See: <https://www.medicare.gov/nursinghomecompare/search.html>.

² The health inspection rating currently reflects the 2 most recent health inspections that occurred before Nov. 28, 2017, and inspections due to complaints in the last 2 years occurring prior to Nov. 28, 2017.

³ See CMS summary of 5-star rating system, posted at: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/FSQRS.html>.

- **Accountable Care Organizations (ACOs):** Beginning in 2017, CMS allows waivers of the required 3-day hospital stay before Medicare will pay for skilled nursing facility (SNF) care for enrollees in certain Medicare ACOs. The waiver requires that patients go to nursing homes with at least 3-star ratings. An ACO is a network of providers that seeks to reduce the total cost of care and meet quality targets for an assigned population of patients.
- **Medicare Episodic Payments:** CMS also offers waivers of the required 3-day hospital stay for Medicare SNF coverage in certain “bundled” and episodic payment arrangements. To qualify for the waiver, the majority of the SNF partners in the arrangement must have a quality rating of at least 3 stars. These payment arrangements encourage hospitals, doctors, SNFs and other providers to coordinate and reduce the cost of care received by patients across an episode of care, such as heart bypass surgery or a hip replacement.
- **Lenders and investors:** The U.S. Department of Housing and Urban Development, an important nursing home lender, is now using star ratings as a component of its risk assessment. Several other lenders and institutional investors include 5-star ratings on their underwriting checklists.

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Survey Findings and 5-Star Ratings

Nursing homes certified by Medicare and/or Medicaid are required to meet over 180 regulatory standards intended to protect residents. The Health Inspections component of the 5-star rating is based on state inspection reports which provide information on nursing home deficiencies identified during annual surveys, including the number (“scope”) and severity of problems, revisits needed to document correction of deficiencies, and actions taken by nursing homes to investigate complaints.

CMS gives greater weight to deficiencies that cause “immediate jeopardy to resident health or safety” when determining each nursing home’s score, particularly when the infractions are widespread and not isolated incidents. CMS totals the points for facility revisits and scope and severity for each of the previous years examined. After applying weighting factors – with the current year counting the most and less weight applied to the prior years’ results – the Health inspections score is determined.

To reflect obvious variation among states in survey findings, the Health Inspections score reflects the ranked performance of facilities in each state. Accordingly, 5-star ratings are given to nursing homes scoring in the top 10%, and 1-star ratings are assigned to the 20% that scored the lowest. The remaining 70% of facilities are evenly assigned 2, 3, and 4 stars. The Health Inspections score is the foundation for the 5-star rating, counting for over half of the overall rating. To arrive at the overall 5-star rating, the Health Inspections rating is adjusted upward if the Staffing rating is 4 or 5 stars and greater than the Health Inspections rating or for a 5-star QM rating, or downward for a 1-star rating in either Staffing or QMs.

To summarize, survey inspection results can have a major effect on a nursing home’s 5-star rating. Whether a facility receives a high-level deficiency for an isolated incident or accumulates several low-level deficiencies in a survey, the resulting effect on the 5-star rating can have a profound effect on the facility’s referrals, business relationships and finances for years.

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For more information about the impact 5-Star Ratings can have on nursing homes, contact LeadingAge New York at 518.867.8383.