MEMORANDUM
Texas Department of Aging and Disability Services

TO: Regulatory Services Division
    Regional Directors and State Office Managers

FROM: Michelle Dionne-Vahalik, Unit Manager
      Policy Development and Support Unit
      State Office MC E-370

SUBJECT: Federal Survey and Certification (S&C) Letter No. 04-43 Revised

DATE: October 13, 2004

The referenced federal S&C Letter was issued by the Centers for Medicare and Medicaid Services (CMS). This letter is being provided to you for information purposes and should be shared with all professional staff.

The attachments from the original S&C Letter 04-43 are provided as an attachment to this cover memo. Please carefully review this S&C letter and Attachment 1 from the original letter in conjunction with the ASPEN AEM instructions that were e-mailed to you by Paul Ridenour, Acting Director, Enforcement Unit, on September 30, 2004.

- Federal S&C Letter No. 04-43 Revised – Final Adjustment in Implementation Date -- October 1, 2004 National Transition Date for the Automated Survey Processing Environment (ASPEN) Enforcement Manager (AEM) for Nursing Homes

If you have any questions about this subject, please contact Bevo Morris in the Policy Development and Support Unit, at (512) 438-2363.

[signature on file]

Michelle Dionne-Vahalik

Attachments

c: Veronda L. Durden, E-340
    Bill Buida, W-615
    Jerry Wallace, W-404
    Regional Administrators

Link to CMS web site for index of federal S&C letters:
Instructions for Entering/Performing Specific Activities in AEM

State Monitoring Visits
For purposes of these instructions, “State Monitoring” refers to monitoring visits to a facility by the State to oversee a facility’s compliance status:

- During bankruptcy, in those cases in which CMS has authorized such visits.
- After a change of ownership, as authorized by the CMS RO.
- During or shortly after removal of immediate jeopardy when the purpose of the visit is to ensure the welfare of the residents by providing an oversight presence, rather than to perform a structured follow-up visit.
- In other circumstances, as authorized by the CMS RO.

When such a State Monitoring Visit results in a Federal deficiency, the State will identify the survey in ASPEN as “complaint” and create an intake and survey record in the ASPEN Complaint/Incident Tracking System (ACTS). The data should be entered into ACTS as follows:

- Intake type = complaint
- Intake Subtype = Federal
- Source = State SA
- Priority = can vary
- Allegation type = State Monitoring

Form CMS-462L
Continue to complete the CMS-462L form for pre-AEM cycles with starting dates before October 4, 2004. Processing cases in AEM will automatically populate the required data fields from the 462L so that separate completion of that form will not be required for cycle starting dates of October 4, 2004 and after. You must complete any 462Ls entered into the Online Data Input and Edit (ODIE) enforcement system.

Letter Generation
AEM calls for tracking and contents information on every letter sent by the State and RO for each case. This information is then available to both the State and RO as an integral part of AEM’s communication-enhancing electronic environment. Ideally, the letters themselves will also be in place for both offices to immediately see. Letter tracking and recording of contents is required in AEM; however, we are not mandating letter-generation by States on the implementation date.

Using the AEM automatic letter generation function will significantly increase the efficiency of States and ROs that do not currently use automated letter software, or whose software is not as fully integrated into an equivalent enforcement processing system. Such States and all ROs should begin using this AEM function as soon as possible.
States using other systems should seriously explore migrating to the AEM letter function to take advantage of the efficiency gains this can provide. AEM letter generation derives its efficiency from using the extensive data that is available as a byproduct of the electronic processing of each case. AEM data populates an extensive set of automatic merge codes ("macros") which will speed letter production. (AEM-generated letters can also be saved as electronic files outside of the system.)

As AEM goes into effect, there are three methods of incorporating letters into a case:

- Create the letters in AEM. This is our recommended option; all States should move in this direction.
- Create the letters outside of AEM, save in Rich Text Format (.rtf), and import into a dummy letter template in AEM. This has the advantage of making all correspondence text conveniently available in AEM’s Notices grid.
- Create the letters outside of AEM and import the file into the case as an attachment. While having the advantage of being an exact copy of the letter that was sent, this is the least well-integrated option, since attachments will not be displayed in date order on the Notices grid for easy reference and retrieval.

**Federal Monitoring Surveys**

The following Federal monitoring survey capabilities will be effective with the ASPEN 8.0 release:

- A new survey type of Federal Monitoring will be supported by ASPEN for nursing homes. This will utilize the existing survey type of “Federal Monitoring,” designated with a letter code of “C”.
- At this time, Federal Monitoring Surveys will include direct Federal surveys and comparative surveys. Federal Oversight and Support Surveys (FOSS) will not be included in ASPEN since any citations issued will be entered by States as part of their action.
- At this time, the supported Federal Monitoring Surveys will not be able to be combined with complaint or certification surveys. They will not be uploaded to the mainframe since there is no linkage between ASPEN and the Online Survey, Certification and Reporting (OSCAR) Federal Monitoring System (FMS).
- Only those Federal Monitoring Surveys that are part of an enforcement cycle (i.e., that begin an enforcement cycle, occur during a cycle, or end a cycle by finding substantial compliance) are required to be entered into ASPEN. These surveys will be displayed within the appropriate AEM enforcement case. Entry of these surveys when they are not part of an enforcement case is discretionary.
- Form CMS 670 hours entry will apply only to comparative surveys.
- Only CMS Regional Offices will be able to create or modify Federal Monitoring Surveys. States may view the surveys and citations but will not be able to create or modify them.
- States may create or modify follow-up visits to Federal Monitoring Surveys if the State conducted the follow-up visit.
### CMS Regional Office AEM Contacts

<table>
<thead>
<tr>
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