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DQA Memo 11-007
DLTC Memo 2011-02

Obsolete memos:
DQA Memo 10-028
DLTC Memo 2010-10

To: Federally-certified Nursing Home Administrators
Aging and Disability Resource Center Directors
Area Agencies on Aging Executive Directors
Board on Aging and Long Term Care Executive Director
County Department of Human Services Directors
County Department of Social Services Directors
County Departments of Community Program Directors
County/Tribal Aging Unit Directors
Disability Rights Wisconsin Executive Director
Managed Care Organization Chief Executive Officers

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From: Otis Woods, Administrator
Division of Quality Assurance

Fredi Bove, Deputy Administrator
Division of Long Term Care

**MDS Section Q Referral to Local Contact Agency Process
Program Update**

OVERVIEW This memo describes changes made to the MDS Section Q referral process and revisions to the MDS 3.0 Section Q Referral form. Substantive revisions are bolded in the memo. These changes include:

1. The MDS 3.0 Section Q Referral form, F-00311, has been revised to list the resident’s county of preference for relocation. The form also clarifies that Section III is completed when a competent resident designates a family member or friend as their contact person.
2. The local contact agency is expected to contact the resident within 10 business days of receipt of the referral form instead of 5 days as previously directed.
3. Links to the Federal CMS and Wisconsin Question and Answer documents are provided in the Resource Information section of the memo.

Summary of the Policy

Under the code of federal regulations 42 CFR 483.20 nursing homes that participate in the Medicare or Medicaid programs must complete the Minimum Data Set (MDS) assessment for all residents admitted to the facility. The Centers for Medicare and Medicaid Services (CMS) has recently made changes to the MDS and have added a new requirement under Section Q. Nursing homes are required to make a referral to the designated local contact agency for any resident who, in response to the MDS questions, indicates he/she wishes to talk to someone about returning to the community. Nursing homes were required to begin making these referrals upon implementation of MDS 3.0 on October 1, 2010. The referral required as part of the federal MDS assessment is separate from the Pre-admission Consultation (PAC) referral required under Wis. Stat. 50.04 (2h) and described in DQA 09-025.

Note: CMS intends to improve the MDS 3.0 Section Q protocol. Eight states are currently pilot testing draft changes to Section Q including minor changes to the form and skip patterns.

Background

The Americans with Disabilities Act of 1990 and the 1999 Olmstead decision state that residents have a right to receive care in the least restrictive setting. Providing residents with choices through information about care options and supports that are available to meet their preferences and needs helps to ensure those residents have the opportunity to access the least restrictive setting appropriate for them.

Designation of the Local Contact Agency

The Wisconsin Department of Health Services (DHS) has designated Aging and Disability Resource Centers (ADRCs) as the local contact agencies for their service area. For counties not served by an ADRC, the county Medicaid long term care waiver agency or tribal long term support agency are the designated local contact agencies until the county is served by an ADRC. (The local contact agency under Section Q is the same contact agency used in the Pre-Admission Consultation (PAC) process. See DQA Memo 09-025 for the PAC process.)

MDS 3.0 Section Q Referral Process

Nursing homes and local contact agencies will be expected to perform the duties necessary to fulfill the following responsibilities.

Nursing Home Responsibilities

- The nursing home is required to complete Section Q of the MDS in accordance with instructions from CMS and the Department (DHS). The response to questions in Section Q will determine whether a nursing home is required to make a referral to the local contact agency. If the resident indicates that he or she does not want to talk with someone about the possibility of returning to the community or if the result of the Section Q questions is that a referral is not needed, the process in this memo does not apply.
- Within ten (10) business days of completing Section Q, the nursing home is required to send the completed MDS 3.0 Section Q Referral form, F-00311 to the local contact agency serving the county where the nursing home is located. The method for completing and sending the form to the local contact agency is to be determined between the nursing home and local contact agency, whether it be sent electronically or faxed. Regardless of method of transmittal, the confidentiality of the information on the form

must be ensured and maintained. The referral form and instructions are available online at: <http://www.dhs.wisconsin.gov/forms/f0/f00311.pdf>

- A copy of the completed referral form must be kept in the resident's medical record.
- In accordance with federal and state discharge planning requirements, the nursing home is expected to continue working with the resident to achieve his/her goal of returning to the community.

Local Contact Agency Responsibilities

- **Upon receiving the referral form from the nursing home, the local contact agency is expected to contact the resident within ten (10) business days.** This contact may be made by phone or in person at the discretion of the local contact agency.
- The local contact agency provides the resident information about locally available long term care options and supports for community living, regardless of whether the individual may be paying privately for care or is eligible for publically funded programs.
- The local contact agency may provide other assistance as appropriate to the resident to help the person fulfill his/her desire to relocate to community living.
- **When the referral form has a resident's county of preference for relocation listed that is not in the local contact agency's service area, the local contact agency provides general information about community supports, services and resources. As a relocation progresses and more specific information is needed, the local contact agency facilitates contact between the resident and the contact agency serving the resident's county of preference.**

Referral Automation

Wisconsin has received a federal grant to automate the transmittal of the referral information from the nursing home to the local contact agency. This automated referral mechanism and process will be developed during 2011. Partner agencies will be kept informed as this project proceeds.

Resource Information

- [Wisconsin MDS 3.0 Section Q Questions and Answers](#)
- [CMS MDS 3.0 Section Q Implementation](#)
- [MDS 3.0 Section Q Referral form, F-00311](#)
- For a list of county and tribal local contact agencies see: [Local Contact Agency List](#)

Memo Summary and Effective Dates

Beginning October 1, 2010, federally certified nursing homes will be required to make a referral to a local contact agency for all residents with whom they have completed the MDS Section Q assessment and when the result of that section indicates a referral is required. Aging and Disability Resource Centers, county long term care waiver agencies and tribal long term support agencies are the designated local contact agencies and will provide information and assistance to

the residents for whom they receive referrals. If you have any questions about this memo, please contact Susan Schroeder at (608) 266-6989.

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Cc: Division of Mental Health and Substance Abuse Services Administrator
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