

ALERTS AND UPDATES

CMS Proposes New Rule on Patient Quality-of-Care Complaints

February 9, 2011

On February 2, 2011, the Centers for Medicare and Medicaid Services (CMS) published a [proposed new rule](#) that will require additional Medicare providers and suppliers to notify Medicare beneficiaries of their right to report healthcare quality complaints to their state Quality Improvement Organization (QIO).

Currently, Medicare regulations require only beneficiaries receiving hospital inpatient services to be notified of their right to lodge quality-of-care complaints. The proposed rule expands the notification requirement to an additional 10 providers and suppliers, including:

- Ambulatory surgical centers (ASCs);
- Hospices;
- Long-term care (LTC) facilities;
- Home health agencies (HHAs);
- Comprehensive outpatient rehabilitation facilities (CORFs);
- Critical access hospitals (CAHs);
- Clinics and rehabilitation agencies;
- Portable x-ray services; and
- Rural health clinics (RHCs) and federally qualified health centers (FQHCs).

The notification requirement would require these entities to give Medicare beneficiaries written notice of their right to voice concerns about the quality of their care to the QIO in the state in which services are provided. The proposed rule would also impose documentation requirements and procedures for communicating with surrogate decision makers or beneficiaries needing interpretive services, and certain providers and suppliers may also need to provide Medicare beneficiaries with information on how to contact their QIO.

CMS's Quality Improvement Organization informational website is available at www.cms.gov/qualityimprovementorgs. For individuals and organizations wishing to submit comments on the proposed rule, CMS is accepting comments through April 4, 2011. Comments should be submitted to: www.regulations.gov/#!/home.

For Further Information

If you have any questions about this *Alert*, please contact [Frederick \(Rick\) R. Ball](#), any [member](#) of the [Health Law Practice Group](#) or the attorney in the firm with whom you are regularly in contact.

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