



## Department of Health

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DAL: NH-DAL – 11-16 – MDS Version 3.0, Section Q

Dear Nursing Home Administrator;

This letter is to remind providers of their responsibilities related to the Minimum Data Set (MDS) Version 3.0, Section Q, question Q0500. On May 20, 2016, the U.S. Department of Health and Human Services' Office for Civil Rights issued *Guidance and Resources for Long Term Care Facilities: Using the Minimum Data Set to Facilitate Opportunities to Live in the Most Integrated Setting* in order to help long-term care facilities comply with their civil rights obligations under Section 504 of the Rehabilitation Act. The Guidance pertains to the proper administration of the MDS in order to ensure that residents receive services in the most integrated setting in accordance with the concepts set forth in the *Olmstead* decision and Section 504 of the Rehabilitation Act.

Nursing facilities are responsible for implementing the guidance referred to above, including in the following areas:

1. Strong Working Relationships with the Local Contact Agency
2. Proper Administration of MDS Section Q
3. Updating Policies and Procedures, and Providing Periodic Training to Comply with the Guidance

MDS Section Q, question Q0500 is designed to ensure that all individuals have the opportunity to learn about home and community-based services and receive services in the most integrated setting. If a nursing home resident answers "yes" to question Q0500, the nursing home **must** make a referral to the designated Local Contact Agency within a reasonable amount of time (the Resident Assessment Instrument [RAI] specifies a timeframe of ten business days). In New York State, the New York Association on Independent Living's (NYAIL) *Open Doors* program is the designated Local Contact Agency for all Section Q referrals.

Nursing home staff must ask Q0500 whenever the MDS is administered unless a resident has an "active discharge plan", meaning, as recommended in the guidance, that the resident has been referred to, and has met with, the Local Contact Agency to create a transition plan. Furthermore, facilities may not deny residents a referral to the Local Contact Agency for inappropriate reasons, including a belief that the resident's disability or care needs are too severe to transition or the resident's family or caregiver does not want the resident to move. In other words, the nursing home **must** make a referral to NYAIL/*Open Doors* whenever a resident answers "yes" to Q0500, regardless of whether or not staff believe a resident has the potential to return to the community.

Upon receipt of a referral, NYAIL will assign a Transition Specialist who will meet with the resident to provide objective information about available home and community-based options. If the resident wishes to transition back to the community, the Transition Specialist will work with

the resident and all relevant support persons, including nursing home discharge staff and care managers, to offer peer support and provide community preparedness education and transition assistance. This assistance includes helping participants identify and access needed supports, benefits, and services in their local community. It is the expectation of the Office of Civil Rights and the New York State Department of Health that the nursing home staff tasked with discharge planning will fully cooperate with the Transition Specialist in order to assist the individual in returning to his or her community of choice.

When contacting the Local Contact Agency, NYAIL, please specify that the referral involves the MDS Section Q. NYAIL can be reached at 1-844-545-7108 or [www.ilny.org/programs/mfp](http://www.ilny.org/programs/mfp). Should you have any questions, please send an e-mail to [mfp@health.ny.gov](mailto:mfp@health.ny.gov).

For the full text of the HHS guidance, please visit <http://www.hhs.gov/sites/default/files/mds-guidance-2016.pdf>.

For additional instructions regarding Section Q of the MDS, please refer to the CMS RAI Version 3.0 Manual, available at <http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/NursingHomeQualityInits/MDS30RAIManual.html>.

Sincerely,

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