



States' Backlogs of Standard Surveys of Nursing Homes Grew Substantially During the COVID-19 Pandemic

Key Takeaway

States' backlogs of standard nursing home surveys have grown substantially, even after August 2020 when CMS lifted its suspension of those surveys (which it had suspended due to the COVID-19 pandemic). Nationally, 71 percent of nursing homes had gone at least 16 months without a standard survey as of May 31, 2021. The rising backlogs add urgency to our existing recommendation that CMS clarify expectations and provide guidance to States on completing these important surveys.

Our report, [*Onsite Surveys of Nursing Homes During the COVID-19 Pandemic: March 23 – May 30, 2020*](#), found that State Survey agencies (States) faced backlogs of standard surveys of nursing homes early in the COVID-19 pandemic, with 8 percent of nursing homes having gone at least 16 months without a standard survey as of June 2020. This Addendum updates that analysis. We found that States' backlogs grew substantially during the COVID-19 pandemic. Nationally, 71 percent of nursing homes (10,913 of 15,295) had gone at least 16 months without a standard survey as of May 31, 2021. By State, the backlogs for standard surveys ranged from 22 percent to 96 percent of nursing homes (see Table 1 on page 2 for the backlogs for each State).

States, on behalf of the Centers for Medicare & Medicaid Services (CMS), are required to conduct standard surveys of Medicare/Medicaid-certified nursing homes at least every 15 months to ensure that they meet Federal requirements.^{1, 2} Standard surveys are comprehensive onsite inspections that evaluate the safety and quality of care provided by nursing homes.^{3, 4}

Surveyors cite deficiencies during these surveys when they observe a nursing home violating a Federal requirement. These deficiencies can result in CMS imposing remedies, such as civil monetary penalties, on the nursing home.⁵ In addition, surveyors discuss observations with nursing home staff throughout these surveys and may alert them to concerns with resident care, providing the nursing home with the opportunity to address these concerns by presenting additional information to the surveyors.⁶

In March 2020, to protect public health and address other concerns associated with the Public Health Emergency, CMS suspended standard surveys in nursing homes to reduce surveyor time on site. CMS shifted oversight to infection control surveys, which are more limited in scope than the standard surveys.⁷ States also continued to conduct surveys for the most serious nursing home complaints while CMS suspended standard surveys.⁸ In August 2020, CMS authorized States to resume standard surveys "as soon as they have the resources (e.g., staff and/or Personal Protective Equipment) to do so."⁹

Backlogs in Standard Surveys Need CMS's Attention

Comprehensive nursing home inspections—standard surveys—are CMS's main tool to ensure that nursing homes meet the minimum standards necessary for the safety and wellbeing of residents. Yet,

due to the COVID-19 pandemic, States have conducted substantially fewer of these standard surveys, which help to identify and address deficiencies.

Our updated analysis underscores the importance and urgency of our previous recommendation to CMS to clarify expectations for States to complete backlogs of standard surveys, including by issuing guidance on prioritization of surveys and required timeframes to complete these backlogs. In its response to this recommendation in our report, issued in December 2020, CMS said it will continue working with States on how to address these backlogs. We encourage CMS to take the steps described above to implement this recommendation and help States provide needed oversight of nursing homes.

Table 1: Number and Percent of Nursing Homes Without a Standard Survey for at Least 16 Months (February 1, 2020, through May 31, 2021) by State

State	Number of nursing homes without standard survey	Total nursing homes	Percent of nursing homes without standard survey
Connecticut	201	209	96%
Georgia	335	359	93%
Oregon	120	130	92%
Vermont	32	35	91%
Maryland	202	226	89%
Delaware	41	46	89%
Oklahoma	265	298	89%
California	1,037	1,183	88%
Idaho	71	81	88%
Washington	176	201	88%
Ohio	828	954	87%
Massachusetts	315	371	85%
Utah	82	97	85%
Kentucky	240	284	85%
Montana	59	70	84%
Tennessee	263	313	84%
Indiana	440	533	83%
Mississippi	168	204	82%
South Dakota	84	104	81%
Virginia	228	286	80%
Maine	74	93	80%
New York	490	616	80%
Minnesota	284	364	78%
North Carolina	329	428	77%
District of Columbia	13	17	76%
Colorado	171	225	76%

State	Number of nursing homes without standard survey	Total nursing homes	Percent of nursing homes without standard survey
Alabama	173	228	76%
Missouri	390	516	76%
Wisconsin	259	348	74%
Arizona	107	146	73%
Nevada	47	66	71%
Alaska	14	20	70%
Iowa	296	431	69%
Texas	818	1,211	68%
Hawaii	29	43	67%
West Virginia	79	123	64%
Wyoming	23	36	64%
New Jersey	215	359	60%
Louisiana	165	276	60%
Michigan	259	435	60%
North Dakota	47	79	59%
Kansas	173	324	53%
South Carolina	100	189	53%
Pennsylvania	344	687	50%
New Hampshire	35	73	48%
Illinois	336	708	47%
Rhode Island	35	78	45%
Florida	284	704	40%
Nebraska	71	195	36%
Arkansas	51	224	23%
New Mexico	15	69	22%
National	10,913	15,295	71%

Source: OIG analysis of CMS Care Compare data, 2021.

¹ Social Security Act § 1864(a); 42 CFR § 488.330; SOM, ch. 1, Section 1002.

² Social Security Act §§ 1819(g) and 1919(g).

³ Social Security Act §§ 1819(g)(2) and 1919(g)(2); CMS, SOM, Pub. No. 100-07, ch. 7, Survey and Enforcement Process for Skilled Nursing Facilities and Nursing Facilities (Revised 185, 11-16-18).

⁴ CMS, SOM, Pub. No. 100-07 Appendix P: Survey Protocol for Long Term Care Facilities—Part I. Accessed at https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/GuidanceforLawsAndRegulations/Downloads/som107ap_p_ltcf.pdf on June 16, 2021.

⁵ Social Security Act §§ 1819(h) and 1919(h); CMS, SOM, Pub. No. 100-07, ch. 7, Survey and Enforcement Process for Skilled Nursing Facilities and Nursing Facilities (Revised 185, 11-16-18).

⁶ CMS, Long-Term Care Survey Process (LTCSP) Procedure Guide (Effective February 6, 2021). Accessed at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/GuidanceforLawsAndRegulations/Downloads/LTCSP-Procedure-Guide.pdf> on July 7, 2021.

⁷ CMS, Prioritization of Survey Activities, Ref: QSO-20-20-All, March 20, 2020. Accessed at <https://www.cms.gov/files/document/qso-20-20-allpdf.pdf-0> on June 15, 2021.

⁸ *Ibid.*

⁹ CMS, Enforcement Cases Held during the Prioritization Period and Revised Survey Prioritization, Ref: QSO-20-35-ALL, August 17, 2020. Accessed at <https://www.cms.gov/files/document/qso-20-35-all.pdf> on June 15, 2021.