

STATE ATTORNEYS GENERAL
A Communication From the Chief Legal Officers
Of the Following States and Territories:

Alabama * Alaska * California * Colorado * Connecticut * Florida * Georgia
Guam * Kansas * Kentucky * Louisiana * Maine * Massachusetts
Mississippi * Missouri * Montana * Nebraska * New Jersey
New Mexico * North Dakota * Oklahoma * Pennsylvania * Rhode Island
South Carolina * South Dakota * Tennessee * Utah * Virginia
Washington * West Virginia * Wyoming

August 20, 2009

Via Facsimile

The Honorable Kathleen Sebelius
Secretary
Department of Health and Human Services

Dear Secretary Sebelius,

As Attorneys General we take seriously our statutory duty to protect consumers. Of particular concern is care for the elderly and disabled, particularly those who find themselves in nursing homes.

Regrettably not all nursing homes in our country provide the same high quality of care that we would want for the elderly. As a result it is vitally important that family members have at their disposal accurate factual information to assist them in making the difficult and often painful decision regarding placement of their loved one.

We have no objection to the present criteria used by CMS for evaluating nursing homes. Nor would we advocate changes that would compromise a strong assessment of nursing home proficiency and quality. However, we strongly support a nationwide criterion-referenced evaluation methodology for establishing proficiency at all levels for nursing homes as opposed to the normative state-by-state methodology presently utilized by CMS. The correct and appropriate criterion-referenced evaluation methodology would gauge the success or failure of a given nursing home by an absolute national standard.

While the current Five Star System for rating nursing homes unveiled by CMS on December 18, 2008 establishes nationwide criteria for nursing homes, it uses a normative methodology with fixed quotas to determine individual nursing home ratings on a state-by-state basis making it impossible to evaluate nursing homes across state lines. As a result of the current Five Star methodology, comparison of individual nursing home ratings can be misleading and create significant confusion for consumers.

In the interest of consumers as well as providers, we believe it imperative that the current Five Star System be suspended temporarily and revised using a more appropriate criterion-referenced

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evaluation methodology. Fortunately, CMS' Nursing Home Compare System that was in place before Five Star remains available to consumers as a tool for nursing home selection during what should be a short revision process. When the revised system is ready to be announced we are prepared as consumer advocates in our respective states to help educate consumers about the existence of the revised system and the importance of using it as a part of their decision making process in choosing a nursing home.

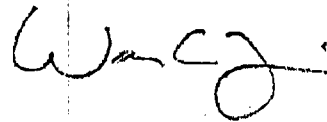
Thank you for your consideration of this request.

Sincerely,

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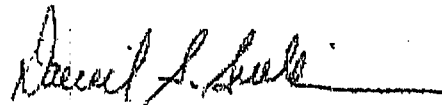
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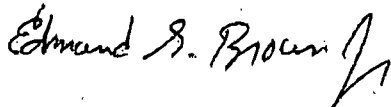
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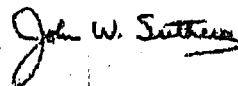
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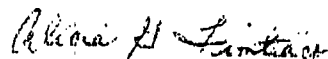
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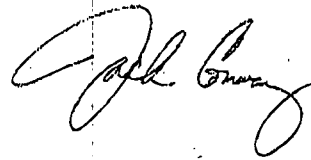
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Alicia G. Limtiaco
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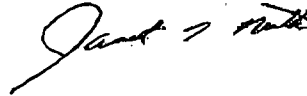
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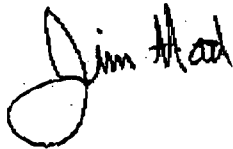
Jack Conway
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James D. Caldwell
Attorney General of Louisiana



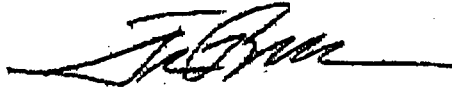
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Attorney General of Maine



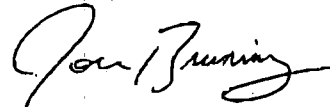
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Chris Koster
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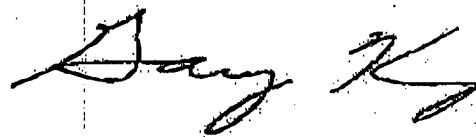
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Attorney General of Montana




Jon Bruning
Attorney General of Nebraska



Anne Milgram
Attorney General of New Jersey



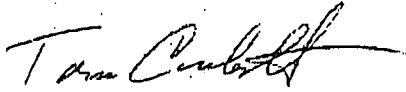
Gary King
Attorney General of New Mexico



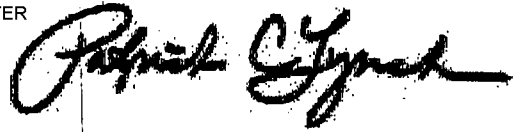
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Attorney General of North Dakota



W.A. Drew Edmondson
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Tom Corbett
Attorney General of Pennsylvania



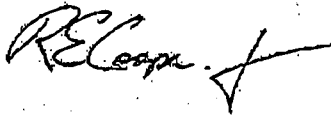
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Attorney General of Rhode Island



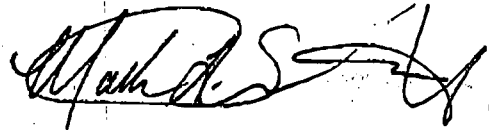
Henry McMaster
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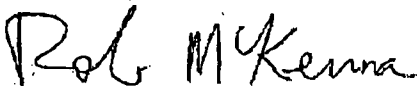
Lawrence Long
Attorney General of South Dakota



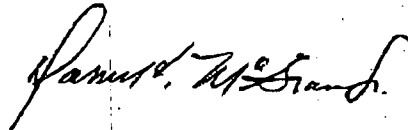
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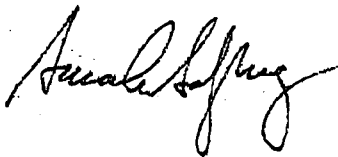
Mark L. Shurtleff
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The Honorable Kathleen Sebelius	31 State Attorneys General
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Secretary, Department of Health and Human Services	8/20/2009
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RE:	YOUR REFERENCE NUMBER:
Five Star Ratings for Nursing Homes	202-326-6045

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NOTES/COMMENTS:
