

STATE ATTORNEYS GENERAL
A Communication From the Chief Legal Officers
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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.

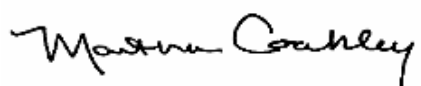
While the current Five Star System for rating nursing homes unveiled by CMS on December 18, 2008 establishes nationwide criteria for nursing homes, it uses a normative methodology with fixed quotas to determine individual nursing home ratings on a state-by-state basis making it impossible to evaluate 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

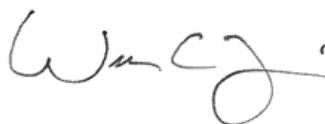
evaluation methodology. Fortunately, CMS' Nursing Home Compare System that was in place before Five Star remains available to consumers as a tool for nursing home selection during what should be a short revision process. When the revised system is ready to be announced we are prepared as consumer advocates 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,



Martha Coakley
Attorney General of Massachusetts



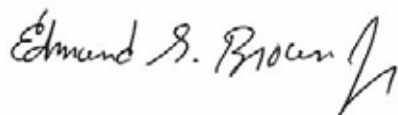
William C. Mims
Attorney General of Virginia



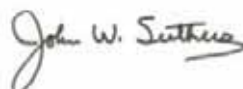
Troy King
Attorney General of Alabama



Daniel S. Sullivan
Attorney General of Alaska



Edmund G. Brown, Jr.
Attorney General of California



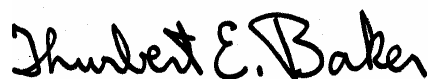
John W. Suthers
Attorney General of Colorado



Richard Blumenthal
Attorney General of Connecticut



Bill McCollum
Attorney General of Florida



Thurbert E. Baker
Attorney General of Georgia



Alicia G. Limtiaco
Attorney General of Guam



Steve Six
Attorney General of Kansas



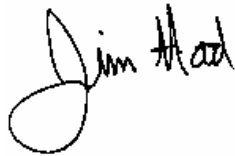
Jack Conway
Attorney General of Kentucky



James D. Caldwell
Attorney General of Louisiana



Janet T. Mills
Attorney General of Maine




Jim Hood
Attorney General of Mississippi



Chris Koster
Attorney General of Missouri



Steve Bullock
Attorney General of Montana



Jon Bruning
Attorney General of Nebraska



Anne Milgram
Attorney General of New Jersey



Gary King
Attorney General of New Mexico



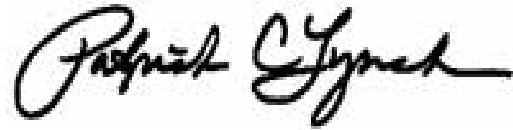
Wayne Stenehjem
Attorney General of North Dakota



W.A. Drew Edmondson
Attorney General of Oklahoma



Tom Corbett
Attorney General of Pennsylvania



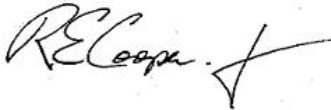
Patrick C. Lynch
Attorney General of Rhode Island



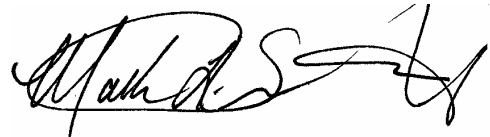
Henry McMaster
Attorney General of South Carolina



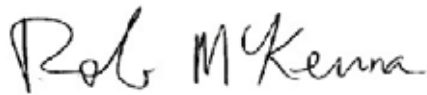
Lawrence Long
Attorney General of South Dakota



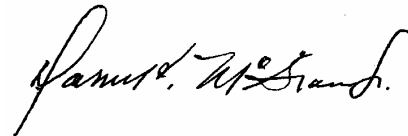
Robert E. Cooper, Jr.
Attorney General of Tennessee



Mark L. Shurtleff
Attorney General of Utah



Rob McKenna
Attorney General of Washington



Darrell V. McGraw, Jr.
Attorney General of West Virginia



Bruce A. Salzburg
Attorney General of Wyoming