

# HEALTH LAW UPDATE

NEWS FOR THE CLIENTS AND FRIENDS OF BASS, BERRY & SIMS PLC

## **Breathing Room For Now: CMS Defers Implementation of Final SNF and NF Ownership Disclosures**

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In an earlier edition of *Health Law Update*,<sup>1</sup> we reported that the Centers for Medicare & Medicaid Services (“CMS”) had issued a proposed rule, published as part of the proposed skilled nursing facility prospective payment system (“PPS”) update for fiscal year 2012,<sup>2</sup> which would require certain ownership disclosures for Medicare skilled nursing facilities (“SNFs”) and Medicaid nursing facilities (“NFs”). These ownership disclosure requirements would be in addition to the ownership disclosure requirements appearing in the expanded Form 855A that CMS published on its website at the beginning of July 2011.<sup>3</sup>

Earlier this week, CMS published in the Federal Register the final rule for the SNF PPS for fiscal year 2012 (the “Final Rule”).<sup>4</sup> In the Final Rule, CMS has deferred the implementation of the proposed ownership disclosure requirements for SNFs and NFs in order to respond properly to all of the comments it received regarding those provisions of the proposed rule. CMS intends to finalize these provisions in a separate final rule to be published in early 2012, prior to its statutory deadline of March 22, 2012.<sup>5</sup>

<sup>1</sup> See [“855 Fun, Part II: SNFs and NFs Face Additional Ownership Disclosures.”](#) July 28, 2011.

<sup>2</sup> 76 Fed. Reg. 26364 (May 6, 2011).

<sup>3</sup> See [“855 Fun, Part I: CMS’ New Provider Enrollment Applications.”](#) July 26, 2011.

<sup>4</sup> 76 Fed. Reg. 48486 (Aug. 8, 2011).

<sup>5</sup> The Patient Protection and Affordable Care Act, Section 6101(3), as amended by the Health Care and Education Reconciliation Act.

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