



# **Pre-admission and Resident Review (PASRR)**

## **History and Purpose**

November 20, 2020

# Maryland Medicaid - Presenter

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# Objectives of Presentation

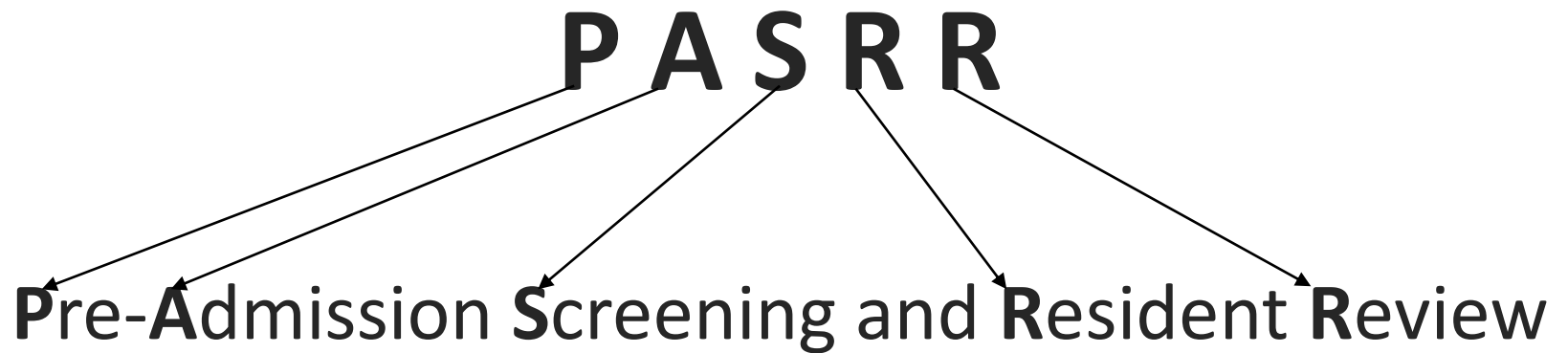
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Participants will have learned the following:

- Meaning of PASRR
- History of PASRR
- Purpose of PASRR
- PASRR and COVID-19

# What does “PASRR” mean?

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# What is PASRR?

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Section 1919(b)(3)(F) of the Social Security Act prohibits nursing facilities from admitting any individual who has serious mental illness (SMI) or an intellectual disability or related condition (ID/RC), unless it has been determined by the State Mental Health Authority (SMHA) or State Intellectual Disability Authority (SIDA) unless the physical and mental condition(s) of the individual, necessitate care within a nursing facility.

[https://www.ssa.gov/OP\\_Home/ssact/title19/1919.htm](https://www.ssa.gov/OP_Home/ssact/title19/1919.htm)

# How did PASRR come about?

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- **Early to mid-1980s**
  - *Deinstitutionalization* resulted in the trans-institutionalization of residents of large state-operated institutions
  - Residents were transferred from the state hospitals to NFs
  - Many people were “warehoused” without receiving needed services

# Omnibus Budget Reconciliation Act of 1987 (OBRA-87)

## AKA: The Nursing Home Reform Act

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- Congress' response to inappropriate institutionalization
- Identify nursing facility applicants and residents with serious mental illness (SMI) and/or intellectual disability (ID) or a related condition (RC) to ensure identified needs are met in the most appropriate setting
- Congress established PASRR in 1987 – very broad definitions; required annual review
- Subsequent revisions occurred in 1990, 1992, and 1996; narrower definitions; resident review only upon significant change in condition

## Brief History of PASRR

<b>1965</b>	Title XIX (19) of the Social Security Act	Established the Medicaid program
<b>1981</b>	1915 (c) Waiver created	Allowed states to waive certain Medicaid program requirements, provide care for people who might not otherwise be eligible under Medicaid and through certain waivers, states can target services to people who need long term support services
<b>1983</b>	1915 (c) Waiver enacted	Allowed states to waive certain Medicaid program requirements, through certain waivers
<b>1987</b> <b>1989</b>	Omnibus Budget Reconciliation Act	Set forth new provisions for Medicare and Medicaid sections related to new standards for care in the nursing home setting; 1989 all states implemented PASRR
<b>1992</b>	CMS published the final PASRR rule	Resident Review be performed annually, and instead a Resident Review should be performed upon a significant change in the individual’s physical or mental condition
<b>1994</b>	Incorporation of 42 CFR 483.100-138	
<b>1996</b>	Title XIX of the Social Security Act - amended	SSA amended and removed the requirement for annual resident review
<b>1999</b>	Olmstead v. L.C	Public entities must provide community-based services to persons with disabilities
<b>2005</b>	Establishment of 1915(j), 1915(i), MFP	The Deficit Reduction Act of 2005 (DRA) granted states flexibility to modify their Medicaid programs
<b>2010</b>	Affordable Care Act 1915(i), creation of 1915(k),	Continuation and expansion of the Money Follows the Person (MFP) program and the creation of Community First Choice programs
<b>2010</b>	MDS 3.0	Specific questions for PASRR and community services
<b>2016</b>	CMS Final Rule November	Nursing facility care plans must include “Specialized Services” or specialized rehabilitative services that were recommended as part of PASRR Level II
<b>2020</b>	Waiver 1135 Public Health Emergency	Due to COVID-19, Level I assessment may be post-admission; if Level I reveals or suspects SMI, ID/RC referral for Level II must be made to state PASRR program



# Why do we do PASRR?

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- Ensure individuals with Serious Mental Illness (SMI), Intellectual Disability (ID), or Related Condition (RC) are not unnecessarily institutionalized but can live in the least restrictive environment where their needs may be met.
- If a nursing facility is the least restrictive environment to meet an individual's care needs, PASRR identifies specialized services needed for optimal functioning.
- IT'S THE LAW!!

# PASRR Directives

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## • Federal Regulations

- Social Security Act 1919(e)(7)
- Final Rule Published 1997: 57 FR 230
- 42 CFR Subpart C –
  - 483.100 - 483.138

## • State of Maryland Transmittals

- Transmittal No.159
- Transmittal No. 239
- Transmittal No. 249
- Transmittal No. 271
- COMAR 10.09.10.03

# Basic Rule of PASRR - 42 483.104

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- The state Medicaid agency (SMA) has the overall responsibility for the state PASRR program.
- A PASRR program is a required element in the Medicaid state plan.
- 42 CFR 483.112(c) – The PASRR process has an annual average of 7 to 9 working days.

# Who is subject to PASRR? - 42 CFR 483.112

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- Any individuals seeking initial placement in a Medicaid certified nursing facility - regardless of payment source
- Significant Change – previously identified individual under PASRR who has a decline or improvement in their mental or physical health status

# PASRR and COVID-19

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March 30, 2020 - Memorandum

Temporary Waiver of Requirements for Pre-Admission Screening and Annual Resident Review (PASRR)

## Waiver for PASRR Level I and Level II Assessments

*The Centers for Medicare and Medicaid Services have agreed to waive the requirement that PASRR Level I screens and Level II evaluations be completed prior to nursing facility (NF) admission. Nursing facilities will be given up to 30 days following NF admission to complete the Level I screen. If the screen is positive, NFs shall refer the resident for Resident Review no later than 30 days after admission. The local health departments will conduct a Resident Review as soon as possible*

<https://mmcp.health.maryland.gov/Medicaid%20COVID19/Temporary%20Waiver%20of%20Requirements%20PASRR%20and%20Deferment%20of%20MDS%20Validations-final.pdf>

# Test your PASRR knowledge

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**Poll #1: Is PASRR unique to Maryland, and based on the Code of Maryland Regulations (COMAR)?**

*No, PASRR pertains to all states and all states must adhere to Federal regulations and laws.*

# Test your PASRR knowledge

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## Poll#2: Has PASRR been suspended due to the COVID-19 pandemic?

- *No, new admissions to nursing facilities can be treated like exempted hospital discharges. Nursing facilities are given up to 30 days following the admission to complete the Level I screen.*
- *If the PASRR screen is positive, NFs must notify AERS no later than 30 days after admission.*
- *Regulations related to Significant Change have not been changed and continue to require a new Level I and referral to AERS for Resident Review, if applicable.*

# Maryland Medicaid

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Maryland Medicaid

<https://mmcp.health.maryland.gov/Pages/home.aspx>

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# Thank you