

CMS Response to Public Comments Received for Form CMS-10455

The Centers for Medicare and Medicaid Services (CMS) received a comment from one anonymous commenter related to the CMS-10455 form. This is the reconciliation of this comment.

Comment:

“Note - This sentence is incorrect - Currently, the hospital, CAH, or psychiatric DPU must submit the form CMS-10455 to the CMS RO via fax or email, based on RO's preference.

The requirement is that Hospitals and "CAHs with rehab or psych DPUs" must submit form CMS-10455 to the CMS RO if death in restraints/seclusion other than solely 2-pt. soft wrist restraints (whereas the Hospital or CAH with DPUs would enter information within their log.)”

Response:

We see two (2) possible messages in this comment. We believe that this commenter could be stating that the submission of the form CMS-10455 is not based on the RO's preference but is instead based on the occurrence of a death in a hospital or a Critical Access Hospital (CAH) with a rehabilitation or psychiatric Distinct Part Unit (DPU) that is associated with the use of restraints and/or seclusion. We also believe that this commenter could also be stating that the requirement for the submission of the form CMS-10455 also applies to hospitals and CAHs with rehabilitation DPUs, which was not stated in the sentence cited by the commenter. Therefore, we have provided responses to both possible messages.

Requirement for Submission of Form CMS-10455 Not Based On Preference of RO

The statement in the Federal Register notice that the **“DPU must submit the form CMS-10455 to the CMS RO via fax or email, based on RO's preference”** refers only to the mode of submission of the completed form CMS-10455 and not to the circumstances under which the CMS-10455 must be submitted. More specifically, the statement **“based on the RO's preference”** refers to whether a particular RO prefers for the hospitals and CAHs in that region to submit the completed CMS-10455 forms via fax or electronically or both. Some RO's may require that the submission of the completed CMS-10455 forms be completed via fax only. Other RO's may request that the hospitals and CAHs submit the completed CMS-10455 forms electronically via email.

CMS Response to Public Comments Received for Form CMS-10455

The statement ***“based on the RO’s preference”*** does not apply to the requirement that hospitals and CAHs must submit a CMS-10455 to the CMS RO when a death occurs in a hospital or a Critical Access Hospital (CAH) with a rehabilitation or psychiatric Distinct Part Unit (DPU) that is associated with the use of restraints and/or seclusion.

The Requirement For The Submission Of The Form CMS-10455 Also Applies To Hospitals And CAHs With Rehabilitation DPUs.

We agree with this commenter’s point that the requirement for the submission of the form CMS-10455 applies to hospital or a Critical Access Hospital (CAH) with a rehabilitation or psychiatric Distinct Part Unit (DPU). This is correctly stated in the Supporting Statement A.