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**California Department of
Public Health**



EDMUND G. BROWN JR.
Governor

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AFL 10-42

TO: Skilled Nursing Facilities
Nursing Facilities
Intermediate Care Facilities
Swing Bed Hospitals

SUBJECT: Minimum Data Set (MDS) 3.0 "Section S" Submission and Coding Issues

This All Facilities Letter (AFL) is being sent as a supplement to AFL 10-25. Recent discovery of software issues have prompted the need for additional guidance concerning the Physician Orders for Life Sustaining Treatment (POLST) form and the MDS.

As communicated in AFL 10-25, effective January 1, 2009, Assembly Bill 3000 (Chapter 266, Statutes of 2008) enabled the use of a POLST form (Sections 4780 – 4785 of the Probate Code).

The POLST is a voluntary form used to document a patient's wishes for medical treatment as end-of-life approaches, giving patients more control over their end-of-life care. The POLST form is printed on brightly colored paper and signed by both a doctor and patient. The use of a POLST form is not mandatory. The POLST is not a California Department of Public Health (CDPH) form. The POLST form can be downloaded from the California Emergency Medical Services Authority publications website at: [Minimum Data Set \(MDS 3.0\)](#)

The MDS is part of the federally mandated process for clinical assessment of all residents in Medicare or Medicaid certified nursing homes. This process provides a comprehensive assessment of each resident's functional capabilities and helps nursing home staff identify health problems. The Centers for Medicare and Medicaid Services (CMS) has updated the MDS to improve the reliability, accuracy, and usefulness of the assessment, which will include the resident in the assessment process and incorporate standard protocols used in other settings.

CMS allows each state to collect information of specific interest that can be used for various purposes, including statistical analysis. This state-defined portion of the MDS is called "Section S" and was not used in the MDS 2.0.

CMS implemented MDS 3.0 on October 1, 2010. In the MDS 3.0, California started utilizing "Section S" which is mandatory for all MDS assessments.

Subsequent to the issuance of AFL 10-25, CDPH has been made aware of a software problem with the "Section S" forms of several states, including California. CDPH is working with CMS to correct the software, but this cannot be done until the next update on April 1, 2011.

Until further notice from CDPH, every question on the California "Section S" form must have a response to avoid a rejection of a MDS, even if the resident does not have a POLST form. Any question left blank or with a dash filling is not allowed.

Please use these tables to guide your responses.

If the resident does not have a POLST form, enter the following:

S9040A 0 No
S9040B 9 Not completed
S9040C 9 Not completed
S9040D 9 Not completed
S9040E 0 No
S9040F 0 No
S9040G 1 Patient

If the resident has a POLST form, enter the appropriate responses for each question.

If the resident has a POLST and some sections are not completed, a second allowable option is to enter the following responses:

S9040A 1 Yes
S9040B 9 Not Completed
S9040C 9 Not Completed
S9040D 9 Not Completed
S9040E 0 No
S9040F 0 No
S9040G 1 Patient

If you have additional questions about the MDS 3.0 release and "Section S", please contact the MDS/OASIS Help Desk by email at mdsoasis@cdph.ca.gov or by phone at (916) 324-2362.

For additional information concerning POLST or MDS 3.0, please refer to AFL 08-29, AFL 09-27, and AFL 10-25.

Sincerely,

Original Signed by Kathleen Billingsley, R.N.

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