The National CONSUMER VOICE for Quality Long-Term Care formerly NCCNHR

Side-by-Side Comparison of Current & Proposed Federal Nursing Home Regulations (Including Arbitration Agreements)

This side-by-side comparison has been prepared using the **current** Nursing Home Requirements of Participation, released in 2016 by the Centers for Medicare & Medicaid Services (CMS); **current** Survey, Certification, and Enforcement Procedures; the **proposed** Requirements for Long-Term Care Facilities (84 Fed. Reg. 34737, July 18, 2019) and **final** rules Revision of Requirements for LTC Facilities: Arbitration Agreements (84 Fed. Reg. 34718, July 18, 2019).

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Key

- **Bold & black font** – Denotes section number and name for both current and proposed regulations.
- Black font – Proposed rule language is exactly the same as current language; OR proposed language is exactly the same as current language with the exception of the section number, which has changed.
    - NOTE: Implementation phases for the current regulations are also in black font. The implementation phases are as follows:
        - Phase 1 – These regulations have been implemented on November 28, 2016 (the effective date of the final rule).
        - Phase 2 – These regulations will be implemented by November 28, 2017 (1 year following the effective date of the final rule).
        - Phase 3 – These regulations will be implemented by November 28, 2019 (3 years following the effective date of the final rule).
- *Red & italicized font* – Proposed rule language is a version of the current language. Note that sometimes the only revision is a change in a citation referenced in the provision.
- **Blue & bold font** – Proposed rule language is identified by CMS as new. Note that sometimes the proposed language, although identified by CMS as new, is similar to or based on at least some of the language in the current rule.
- ~~Strikethrough font~~ – Current rule language was removed in the proposed rule language.

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CURRENT SECTION	CURRENT LANGUAGE	CURRENT IMPLEMENTATION PHASE	PROPOSED SECTION / FINAL SECTION FOR ARBITRATION AGREEMENTS	PROPOSED LANGUAGE / FINAL LANGUAGE FOR ARBITRATION AGREEMENTS
Subpart B	**REQUIREMENTS FOR LONG TERM CARE FACILITIES**			
§483.1	**Basis and scope.**	This entire section was implemented in Phase 1.		
483.1(a)	(a) Statutory basis.	1		
483.1(a)(1)	(1) Sections 1819(a), (b), (c), (d), and (f) of the Act provide that—	1		
483.1(a)(1)(i)	(i) Skilled nursing facilities participating in Medicare must meet certain specified requirements; and	1		
483.1(a)(1)(ii)	(ii) The Secretary may impose additional requirements (see section 1819(d)(4)(B)) if they are necessary for the health and safety of individuals to whom services are furnished in the facilities.	1		
483.1(a)(2)	(2) Section 1861(l) of the Act requires the facility to have in effect a transfer agreement with a hospital.	1		
483.1(a)(3)	(3) Sections 1919(a), (b), (c), (d), and (f) of the Act provide that nursing facilities participating in Medicaid must meet certain specific requirements.	1		
483.1(a)(4)	(4) Sections 1128I(b) and (c) require that--	1		
483.1(a)(4)(i)	(i) Skilled nursing facilities or nursing facility have in operation a compliance	1		

	and ethics program that is effective in preventing and detecting criminal, civil, and administrative violations.			
483.1(a)(4)(ii)	(ii) The Secretary establish and implement a quality assurance and performance improvement program for facilities, including multi-unit chains of facilities	1		
483.1(a)(5)	(5) Section 1150B establishes requirements for reporting to law enforcement crimes occurring in federally funded LTC facilities.	1		
483.1(b)	(b) Scope. The provisions of this part contain the requirements that an institution must meet in order to qualify to participate as a Skilled Nursing Facility in the Medicare program, and as a nursing facility in the Medicaid program. They serve as the basis for survey activities for the purpose of determining whether a facility meets the requirements for participation in Medicare and Medicaid.	1		
§483.5	**Definitions.**	This entire section was implemented in Phase 1.		
483.5	As used in this subpart, the following definitions apply:	1		
483.5 in alphabetical order.	Abuse. Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish. Abuse also includes the deprivation by an individual, including a	1		

	caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. Willful, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.			
483.5 in alphabetical order.	Adverse event. An adverse event is an untoward, undesirable, and usually unanticipated event that causes death or serious injury, or the risk thereof.	1		
483.5 in alphabetical order.	Common area. Common areas are areas in the facility where residents may gather together with other residents, visitors, and staff or engage in individual pursuits, apart from their residential rooms. This includes but is not limited to living rooms, dining rooms, activity rooms, outdoor areas, and meeting rooms where residents are located on a regular basis.	1		
483.5 in alphabetical order.	Facility defined. For purposes of this subpart, facility means a skilled nursing facility (SNF) that meets the requirements of sections 1819(a), (b), (c), and (d) of the Act, or a nursing facility (NF) that meets the requirements of sections 1919(a), (b), (c), and (d) of the Act. “Facility” may include a distinct part of an institution (as defined in paragraph	1		

	(b) of this section and specified in §440.40 and §440.155 of this chapter), but does not include an institution for individuals with intellectual disabilities or persons with related conditions described in §440.150 of this chapter. For Medicare and Medicaid purposes (including eligibility, coverage, certification, and payment), the "facility" is always the entity that participates in the program, whether that entity is comprised of all of, or a distinct part of, a larger institution. For Medicare, an SNF (see section 1819(a)(1) of the Act), and for Medicaid, an NF (see section 1919(a)(1) of the Act) may not be an institution for mental diseases as defined in §435.1010 of this chapter.			
483.5 in alphabetical order.	Distinct part.	1		
	(1) Definition. A distinct part SNF or NF is physically distinguishable from the larger institution or institutional complex that houses it, meets the requirements of this paragraph and of paragraph (b)(2) of this section, and meets the applicable statutory requirements for SNFs or NFs in sections 1819 or 1919 of the Act, respectively. A distinct part SNF or NF may be comprised of one or more buildings or designated parts of buildings (that is, wings, wards, or floors) that are: In the same physical area immediately adjacent to the institution's main buildings; other areas and structures that	1		

	are not strictly contiguous to the main buildings but are located within close proximity of the main buildings; and any other areas that CMS determines on an individual basis, to be part of the institution's campus. A distinct part must include all of the beds within the designated area, and cannot consist of a random collection of individual rooms or beds that are scattered throughout the physical plant. The term “distinct part” also includes a composite distinct part that meets the additional requirements of paragraph (c) of this section.			
	(2) Requirements. In addition to meeting the participation requirements for long-term care facilities set forth elsewhere in this subpart, a distinct part SNF or NF must meet all of the following requirements:	1		
	(i) The SNF or NF must be operated under common ownership and control (that is, common governance) by the institution of which it is a distinct part, as evidenced by the following:	1		
	(A) The SNF or NF is wholly owned by the institution of which it is a distinct part.	1		
	(B) The SNF or NF is subject to the by-laws and operating decisions of a common governing body.	1		
	(C) The institution of which the SNF or NF is a distinct part has final responsibility for the distinct part's administrative decisions and personnel policies, and final approval for the distinct part's	1		

	personnel actions.			
	(D) The SNF or NF functions as an integral and subordinate part of the institution of which it is a distinct part, with significant common resource usage of buildings, equipment, personnel, and services.	1		
	(ii) The administrator of the SNF or NF reports to and is directly accountable to the management of the institution of which the SNF or NF is a distinct part.	1		
	(iii) The SNF or NF must have a designated medical director who is responsible for implementing care policies and coordinating medical care, and who is directly accountable to the management of the institution of which it is a distinct part.	1		
	(iv) The SNF or NF is financially integrated with the institution of which it is a distinct part, as evidenced by the sharing of income and expenses with that institution, and the reporting of its costs on that institution's cost report.	1		
	(v) A single institution can have a maximum of only one distinct part SNF and one distinct part NF.	1		
	(vi) (A) An institution cannot designate a distinct part SNF or NF, but instead must submit a written request with documentation that demonstrates it meets the criteria set forth above to CMS to determine if it may be considered a distinct part.	1		
	(B) The effective date of approval of a distinct part is the date that CMS	1		

	determines all requirements (including enrollment with the fiscal intermediary (FI)) are met for approval, and cannot be made retroactive.			
	(C) The institution must request approval from CMS for all proposed changes in the number of beds in the approved distinct part.	1		
483.5 in alphabetical order.	Composite distinct part.	1		
	(1) Definition. A composite distinct part is a distinct part consisting of two or more noncontiguous components that are not located within the same campus, as defined in §413.65(a)(2) of this chapter.	1		
	(2) Requirements. In addition to meeting the requirements of paragraph (b) of this section, a composite distinct part must meet all of the following requirements:	1		
	(i) A SNF or NF that is a composite of more than one location will be treated as a single distinct part of the institution of which it is a distinct part. As such, the composite distinct part will have only one provider agreement and only one provider number.	1		
	(ii) If two or more institutions (each with a distinct part SNF or NF) undergo a change of ownership, CMS must approve the existing SNFs or NFs as meeting the requirements before they are considered a composite distinct part of a single institution. In making such a determination, CMS considers whether	1		

	its approval or disapproval of a composite distinct part promotes the effective and efficient use of public monies without sacrificing the quality of care.			
	(iii) If there is a change of ownership of a composite distinct part SNF or NF, the assignment of the provider agreement to the new owner will apply to all of the approved locations that comprise the composite distinct part SNF or NF.	1		
	(iv) To ensure quality of care and quality of life for all residents, the various components of a composite distinct part must meet all of the requirements for participation independently in each location.	1		
	(v) Use of composite distinct parts to segregate residents by payment source or on a basis other than care needs is prohibited.	1		
483.5 in alphabetical order.	Exploitation. Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion.	1		
483.5 in alphabetical order.	Fully sprinklered. A fully sprinklered long term care facility is one that has all areas sprinklered in accordance with National Fire Protection Association 13 "Standard for the Installation of Sprinkler Systems" without the use of waivers or the Fire Safety Evaluation System.	1		
483.5 in alphabetical order.	Licensed health professional. A licensed health professional is a physician; physician assistant; nurse practitioner;	1		

	physical, speech, or occupational therapist; physical or occupational therapy assistant; registered professional nurse; licensed practical nurse; or licensed or certified social worker; or registered respiratory therapy technician.			
483.5 in alphabetical order.	Major modification means the modification of more than 50 percent, or more than 4,500 square feet, of the smoke compartment.	1		
483.5 in alphabetical order.	Misappropriation of resident property means the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a resident's belongings or money without the resident's consent.	1		
483.5 in alphabetical order.	Mistreatment means inappropriate treatment or exploitation of a resident.	1		
483.5 in alphabetical order.	Neglect is the failure of the facility, its employees or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish or emotional distress.	1		
483.5 in alphabetical order.	Nurse aide. A nurse aide is any individual providing nursing or nursing-related services to residents in a facility. This term may also include an individual who provides these services through an agency or under a contract with the facility, but is not a licensed health professional, a registered dietitian, or someone who volunteers to provide such services without pay. Nurse aides do not include those individuals who furnish	1		

	services to residents only as paid feeding assistants as defined in § 488.301 of this chapter.			
483.5 in alphabetical order.	Person-centered care. For purposes of this subpart, person-centered care means to focus on the resident as the locus of control and support the resident in making their own choices and having control over their daily lives.	1		
483.5 in alphabetical order.	Resident representative. For purposes of this subpart, the term resident representative means any of the following:	1		
	(1) An individual chosen by the resident to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;	1		
	(2) A person authorized by State or Federal law (including but not limited to agents under power of attorney, representative payees, and other fiduciaries) to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;	1		
	(3) Legal representative, as used in section 712 of the Older Americans Act;	1		
	(4) The court-appointed guardian or conservator of a resident.	1		
	(5) Nothing in this rule is intended to	1		

	expand the scope of authority of any resident representative beyond that authority specifically authorized by the resident, State or Federal law, or a court of competent jurisdiction.			
483.5 in alphabetical order.	Sexual abuse is non-consensual sexual contact of any type with a resident.	1		
483.5 in alphabetical order.	Transfer and discharge includes movement of a resident to a bed outside of the certified facility whether that bed is in the same physical plant or not. Transfer and discharge does not refer to movement of a resident to a bed within the same certified facility.	1		
§483.10	**Resident rights.**	This section was implemented in Phase 1, with the following exception: §483.10(g)(4)(ii)-(v), which was implemented in Phase 2.		
483.10(a)	(a) Residents Rights. The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility, including those specified in this section.	1		
483.10(a)(1)	(1) A facility must treat each resident with respect and dignity and care for each resident in a manner and in an environment that promotes maintenance or enhancement of his or her quality of	1		

	life, recognizing each resident's individuality. The facility must protect and promote the rights of the resident.			
483.10(a)(2)	(2) The facility must provide equal access to quality care regardless of diagnosis, severity of condition, or payment source. A facility must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services under the State plan for all residents regardless of payment source.	1		
483.10(b)	(b) Exercise of rights. The resident has the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States.	1		
483.10(b)(1)	(1) The facility must ensure that the resident can exercise his or her rights without interference, coercion, discrimination, or reprisal from the facility	1		
483.10(b)(2)	(2) The resident has the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising his or her rights and to be supported by the facility in the exercise of his or her rights as required under this subpart.	1		
483.10(b)(3)	(3) In the case of a resident who has not been adjudged incompetent by the state court, the resident has the right to designate a representative, in accordance with State law and any legal surrogate so designated may exercise the resident's rights to the extent provided by state law. The same-sex spouse of a resident must be afforded treatment equal to that	1		

	afforded to an opposite-sex spouse if the marriage was valid in the jurisdiction in which it was celebrated.			
483.10(b)(3)(i)	(i) The resident representative has the right to exercise the resident's rights to the extent those rights are delegated to the resident representative.	1		
483.10(b)(3)(ii)	(ii) The resident retains the right to exercise those rights not delegated to a resident representative, including the right to revoke a delegation of rights, except as limited by State law.	1		
483.10(b)(4)	(4) The facility must treat the decisions of a resident representative as the decisions of the resident to the extent required by the court or delegated by the resident, in accordance with applicable law.	1		
483.10(b)(5)	(5) The facility shall not extend the resident representative the right to make decisions on behalf of the resident beyond the extent required by the court or delegated by the resident, in accordance with applicable law.	1		
483.10(b)(6)	(6) If the facility has reason to believe that a resident representative is making decisions or taking actions that are not in the best interests of a resident, the facility shall report such concerns in the manner required under State law.	1		
483.10(b)(7)	(7) In the case of a resident adjudged incompetent under the laws of a State by a court of competent jurisdiction, the rights of the resident devolve to and are exercised by the resident representative appointed under State law to act on the	1		

	resident's behalf. The court-appointed resident representative exercises the resident's rights to the extent judged necessary by a court of competent jurisdiction, in accordance with State law			
483.10(b)(7)(i)	(i) In the case of a resident representative whose decision-making authority is limited by State law or court appointment, the resident retains the right to make those decision outside the representative's authority.	1		
483.10(b)(7)(ii)	(ii) The resident's wishes and preferences must be considered in the exercise of rights by the representative.	1		
483.10(b)(7)(iii)	(iii) To the extent practicable, the resident must be provided with opportunities to participate in the care planning process.	1		
483.10(c)	(c) Planning and implementing care. The resident has the right to be informed of, and participate in, his or her treatment, including:	1		
483.10(c)(1)	(1) The right to be fully informed in language that he or she can understand of his or her total health status, including but not limited to, his or her medical condition.	1		
483.10(c)(2)	(2) The right to participate in the development and implementation of his or her person-centered plan of care, including but not limited to:	1		
483.10(c)(2)(i)	(i) The right to participate in the planning process, including the right to identify individuals or roles to be included in the planning process, the right to request	1		

	meetings and the right to request revisions to the person-centered plan of care.			
483.10(c)(2)(ii)	(ii) The right to participate in establishing the expected goals and outcomes of care, the type, amount, frequency, and duration of care, and any other factors related to the effectiveness of the plan of care.	1		
483.10(c)(2)(iii)	(iii) The right to be informed, in advance, of changes to the plan of care.	1		
483.10(c)(2)(iv)	(iv) The right to receive the services and/or items included in the plan of care.	1		
483.10(c)(2)(v)	(v) The right to see the care plan, including the right to sign after significant changes to the plan of care.	1		
483.10(c)(3)	(3) The facility shall inform the resident of the right to participate in his or her treatment and shall support the resident in this right. The planning process must—	1		
483.10(c)(3)(i)	(i) Facilitate the inclusion of the resident and/or resident representative.	1		
483.10(c)(3)(ii)	(ii) Include an assessment of the resident's strengths and needs.	1		
483.10(c)(3)(iii)	(iii) Incorporate the resident's personal and cultural preferences in developing goals of care.	1		
483.10(c)(4)	(4) The right to be informed, in advance, of the care to be furnished and the type of care giver or professional that will furnish care.	1		
483.10(c)(5)	(5) The right to be informed in advance, by the physician or other practitioner or professional, of the risks and benefits of proposed care, of treatment and	1		

	treatment alternatives or treatment options and to choose the alternative or option he or she prefers.			
483.10(c)(6)	(6) The right to request, refuse, and/ or discontinue treatment, to participate in or refuse to participate in experimental research, and to formulate an advance directive.	1		
483.10(c)(7)	(7) The right to self-administer medications if the interdisciplinary team, as defined by § 483.21(b)(2)(ii), has determined that this practice is clinically appropriate.	1		
483.10(c)(8)	(8) Nothing in this paragraph should be construed as the right of the resident to receive the provision of medical treatment or medical services deemed medically unnecessary or inappropriate.	1		
483.10(d)	(d) Choice of attending physician. The resident has the right to choose his or her attending physician.	1		
483.10(d)(1)	(1) The physician must be licensed to practice, and	1		
483.10(d)(2)	(2) If the physician chosen by the resident refuses to or does not meet requirements specified in this part, the facility may seek alternate physician participation as specified in paragraphs (d)(4) and (5) of this section to assure provision of appropriate and adequate care and treatment.	1		
483.10(d)(3)	(3) The facility must ensure that each resident remains informed of the name, specialty, and way of contacting the physician and other primary care	1	**483.10(d)(3)**	*(3) The facility must provide the primary care physician's name and contact information upon admission, with any change of such information or upon the resident's request.*

	professionals responsible for his or her care.			
483.10(d)(4)	(4) The facility must inform the resident if the facility determines that the physician chosen by the resident is unable or unwilling to meet requirements specified in this part and the facility seeks alternate physician participation to assure provision of appropriate and adequate care and treatment. The facility must discuss the alternative physician participation with the resident and honor the resident's preferences, if any, among options.	1		
483.10(d)(5)	(5) If the resident subsequently selects another attending physician who meets the requirements specified in this part, the facility must honor that choice.	1		
483.10(e)	(e) Respect and dignity. The resident has a right to be treated with respect and dignity, including:	1		
483.10(e)(1)	(1) The right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience, and not required to treat the resident's medical symptoms, consistent with § 483.12(a)(2).	1		
483.10(e)(2)	(2) The right to retain and use personal possession, including furnishings, and clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.	1		
483.10(e)(3)	(3) The right to reside and receive services in the facility with reasonable accommodation of resident needs and	1		

	preferences except when to do so would endanger the health or safety of the resident or other residents.			
483.10(e)(4)	(4) The right to share a room with his or her spouse when married residents live in the same facility and both spouses consent to the arrangement.	1		
483.10(e)(5)	(5) The right to share a room with his or her roommate of choice when practicable, when both residents live in the same facility and both residents consent to the arrangement.	1		
483.10(e)(6)	(6) The right to receive written notice, including the reason for the change, before the resident's room or roommate in the facility is changed.	1		
483.10(e)(7)	(7) The right to refuse to transfer to another room in the facility, if the purpose of the transfer is:	1		
483.10(e)(7)(i)	(i) To relocate a resident of a SNF from the distinct part of the institution that is a SNF to a part of the institution that is not a SNF, or	1		
483.10(e)(7)(ii)	(ii) to relocate a resident of a NF from the distinct part of the institution that is a NF to a distinct part of the institution that is a SNF.	1		
483.10(e)(7)(iii)	(iii) solely for the convenience of staff.	1		
483.10(e)(8)	(8) A resident's exercise of the right to refuse transfer does not affect the resident's eligibility or entitlement to Medicare or Medicaid benefits.	1		
483.10(f)	(f) Self-determination. The resident has the right to and the facility must promote and facilitate resident self-determination	1		

	through support of resident choice, including but not limited to the rights specified in paragraphs (f)(1) through (11) of this section.			
483.10(f)(1)	(1) The resident has a right to choose activities, schedules (including sleeping and waking times), health care and providers of health care services consistent with his or her interests, assessments, plan of care and other applicable provisions of this part.	1		
483.10(f)(2)	(2) The resident has the right to make choices about aspects of his or her life in the facility that are significant to the resident.	1		
483.10(f)(3)	(3) The resident has a right to interact with members of the community and participate in community activities both inside and outside the facility.	1		
483.10(f)(4)	(4) The resident has a right to receive visitors of his or her choosing at the time of his or her choosing, subject to the resident's right to deny visitation when applicable, and in a manner that does not impose on the rights of another resident.	1		
483.10(f)(4)(i)	(i) The facility must provide immediate access to any resident by—	1		
483.10(f)(4)(i)(A)	(A) Any representative of the Secretary,	1		
483.10(f)(4)(i)(B)	(B) Any representative of the State,	1		
483.10(f)(4)(i)(C)	(C) Any representative of the Office of the State long term care ombudsman, (established under section 712 of the Older Americans Act of 1965, as amended 2016 (42 U.S.C. 3001 et seq.),	1		
483.10(f)(4)(i)(D)	(D) The resident's individual physician,	1		

483.10(f)(4)(i)(E)	(E) Any representative of the protection and advocacy systems, as designated by the state, and as established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.),	1		
483.10(f)(4)(i)(F)	(F) Any representative of the agency responsible for the protection and advocacy system for individuals with a mental disorder (established under the Protection and Advocacy for Mentally Ill Individuals Act of 2000 (42 U.S.C. 10801 et seq.), and	1		
483.10(f)(4)(i)(G)	(G) The resident representative.	1		
483.10(f)(4)(ii)	(ii) The facility must provide immediate access to a resident by immediate family and other relatives of the resident, subject to the resident's right to deny or withdraw consent at any time;	1		
483.10(f)(4)(iii)	(iii) The facility must provide immediate access to a resident by others who are visiting with the consent of the resident, subject to reasonable clinical and safety restrictions and the resident's right to deny or withdraw consent at any time;	1		
483.10(f)(4)(iv)	(iv) The facility must provide reasonable access to a resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time; and	1		
483.10(f)(4)(v)	(v) The facility must have written policies and procedures regarding the visitation rights of residents, including those setting forth any clinically necessary or	1		

	reasonable restriction or limitation or safety restriction or limitation, when such limitations may apply consistent with the requirements of this subpart, that the facility may need to place on such rights and the reasons for the clinical or safety restriction or limitation.			
483.10(f)(4)(vi)	(vi) A facility must meet the following requirements:	1		
483.10(f)(4)(vi)(A)	(A) Inform each resident (or resident representative, where appropriate) of his or her visitation rights and related facility policy and procedures, including any clinical or safety restriction or limitation on such rights, consistent with the requirements of this subpart, the reasons for the restriction or limitation, and to whom the restrictions apply, when he or she is informed of his or her other rights under this section.	1		
483.10(f)(4)(vi)(B)	(B) Inform each resident of the right, subject to his or her consent, to receive the visitors whom he or she designates, including, but not limited to, a spouse (including a same-sex spouse), a domestic partner (including a same-sex domestic partner), another family member, or a friend, and his or her right to withdraw or deny such consent at any time.	1		
483.10(f)(4)(vi)(C)	(C) Not restrict, limit, or otherwise deny visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability.	1		

483.10(f)(4)(vi)(D)	(D) Ensure that all visitors enjoy full and equal visitation privileges consistent with resident preferences.	1		
483.10(f)(5)	(5) The resident has a right to organize and participate in resident groups in the facility.	1		
483.10(f)(5)(i)	(i) The facility must provide a resident or family group, if one exists, with private space; and take reasonable steps, with the approval of the group, to make residents and family members aware of upcoming meetings in a timely manner.	1		
483.10(f)(5)(ii)	(ii) Staff, visitors, or other guests may attend resident group or family group meetings only at the respective group's invitation.	1		
483.10(f)(5)(iii)	(iii) The facility must provide a designated staff person who is approved by the resident or family group and the facility and who is responsible for providing assistance and responding to written requests that result from group meetings.	1		
483.10(f)(5)(iv)	(iv) The facility must consider the views of a resident or family group and act promptly upon the grievances and recommendations of such groups concerning issues of resident care and life in the facility.	1		
483.10(f)(5)(iv)(A)	(A) The facility must be able to demonstrate their response and rationale for such response.	1		
483.10(f)(5)(iv)(B)	(B) This should not be construed to mean that the facility must implement as recommended every request of the	1		

	resident or family group.			
483.10(f)(6)	(6) The resident has a right to participate in family groups.	1		
483.10(f)(7)	(7) The resident has a right to have family member(s) or other resident representative(s) meet in the facility with the families or resident representative(s) of other residents in the facility.	1		
483.10(f)(8)	(8) The resident has a right to participate in other activities, including social, religious, and community activities that do not interfere with the rights of other residents in the facility.	1		
483.10(f)(9)	(9) The resident has a right to choose to or refuse to perform services for the facility and the facility must not require a resident to perform services for the facility. The resident may perform services for the facility, if he or she chooses, when—	1		
483.10(f)(9)(i)	(i) The facility has documented the resident's need or desire for work in the plan of care;	1		
483.10(f)(9)(ii)	(ii) The plan specifies the nature of the services performed and whether the services are voluntary or paid;	1		
483.10(f)(9)(iii)	(iii) Compensation for paid services is at or above prevailing rates; and	1		
483.10(f)(9)(iv)	(iv) The resident agrees to the work arrangement described in the plan of care.	1		
483.10(f)(10)	(10) The resident has a right to manage his or her financial affairs. This includes the right to know, in advance, what charges a facility may impose against a	1		

	resident's personal funds.			
483.10(f)(10)(i)	(i) The facility must not require residents to deposit their personal funds with the facility. If a resident chooses to deposit personal funds with the facility, upon written authorization of a resident, the facility must act as a fiduciary of the resident's funds and hold, safeguard, manage, and account for the personal funds of the resident deposited with the facility, as specified in this section.	1		
483.10(f)(10)(ii)	(ii) Deposit of funds.	1		
483.10(f)(10)(ii)(A)	(A) In general: Except as set out in paragraph (f)(10)(ii)(B) of this section, the facility must deposit any residents' personal funds in excess of $100 in an interest bearing account (or accounts) that is separate from any of the facility's operating accounts, and that credits all interest earned on resident's funds to that account. (In pooled accounts, there must be a separate accounting for each resident's share.) The facility must maintain a resident's personal funds that do not exceed $100 in a noninterest bearing account, interest-bearing account, or petty cash fund.	1		
483.10(f)(10)(ii)(B)	(B) Residents whose care is funded by Medicaid: The facility must deposit the residents' personal funds in excess of $50 in an interest bearing account (or accounts) that is separate from any of the facility's operating accounts, and that credits all interest earned on resident's funds to that account. (In pooled	1		

	accounts, there must be a separate accounting for each resident's share.) The facility must maintain personal funds that do not exceed $50 in a non-interest bearing account, interest-bearing account, or petty cash fund.			
483.10(f)(10)(iii)	(iii) Accounting and records.	1		
483.10(f)(10)(iii)(A)	(A) The facility must establish and maintain a system that assures a full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf.	1		
483.10(f)(10)(iii)(B)	(B) The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.	1		
483.10(f)(10)(iii)(C)	(C) The individual financial record must be available to the resident through quarterly statements and upon request.	1		
483.10(f)(10)(iv)	(iv) Notice of certain balances. The facility must notify each resident that receives Medicaid benefits—	1		
483.10(f)(10)(iv)(A)	(A) When the amount in the resident's account reaches $200 less than the SSI resource limit for one person, specified in section 1611(a)(3)(B) of the Act; and	1		
483.10(f)(10)(iv)(B)	(B) That, if the amount in the account, in addition to the value of the resident's other nonexempt resources, reaches the SSI resource limit for one person, the resident may lose eligibility for Medicaid or SSI.	1		
483.10(f)(10)(v)	(v) Conveyance upon discharge, eviction,	1		

	or death. Upon the discharge, eviction, or death of a resident with a personal fund deposited with the facility, the facility must convey within 30 days the resident's funds, and a final accounting of those funds, to the resident, or in the case of death, the individual or probate jurisdiction administering the resident's estate, in accordance with State law.			
483.10(f)(10)(vi)	(vi) Assurance of financial security. The facility must purchase a surety bond, or otherwise provide assurance satisfactory to the Secretary, to assure the security of all personal funds of residents deposited with the facility.	1		
483.10(f)(11)	(11) The facility must not impose a charge against the personal funds of a resident for any item or service for which payment is made under Medicaid or Medicare (except for applicable deductible and coinsurance amounts). The facility may charge the resident for requested services that are more expensive than or in excess of covered services in accordance with § 489.32 of this chapter. (This does not affect the prohibition on facility charges for items and services for which Medicaid has paid. See § 447.15 of this chapter, which limits participation in the Medicaid program to providers who accept, as payment in full, Medicaid payment plus any deductible, coinsurance, or copayment required by the plan to be paid by the individual.)	1		
483.10(f)(11)(i)	(i) Services included in Medicare or Medicaid payment. During the course of	1		

	a covered Medicare or Medicaid stay, facilities must not charge a resident for the following categories of items and services:			
483.10(f)(11)(i)(A)	(A) Nursing services as required at § 483.35.	1		
483.10(f)(11)(i)(B)	(B) Food and Nutrition services as required at § 483.60.	1		
483.10(f)(11)(i)(C)	(C) An activities program as required at § 483.24(c).	1		
483.10(f)(11)(i)(D)	(D) Room/bed maintenance services.	1		
483.10(f)(11)(i)(E)	(E) Routine personal hygiene items and services as required to meet the needs of residents, including, but not limited to, hair hygiene supplies, comb, brush, bath soap, disinfecting soaps or specialized cleansing agents when indicated to treat special skin problems or to fight infection, razor, shaving cream, toothbrush, toothpaste, denture adhesive, denture cleaner, dental floss, moisturizing lotion, tissues, cotton balls, cotton swabs, deodorant, incontinence care and supplies, sanitary napkins and related supplies, towels, washcloths, hospital gowns, over the counter drugs, hair and nail hygiene services, bathing assistance, and basic personal laundry.	1		
483.10(f)(11)(i)(F)	(F) Medically-related social services as required at § 483.40(d).	1	**483.10(f)(11)(i)(F)**	*(F) Medically-related social services as required at § 483.40(c).*
483.10(f)(11)(i)(G)	(G) Hospice services elected by the resident and paid for under the Medicare Hospice Benefit or paid for by Medicaid under a state plan.	1		
483.10(f)(11)(ii)	(ii) Items and services that may be	1		

	charged to residents' funds. Paragraphs (f)(11)(ii)(A) through (L) of this section are general categories and examples of items and services that the facility may charge to residents' funds if they are requested by a resident, if they are not required to achieve the goals stated in the resident's care plan, if the facility informs the resident that there will be a charge, and if payment is not made by Medicare or Medicaid:			
483.10(f)(11)(ii)(A)	(A) Telephone, including a cellular phone.	1		
483.10(f)(11)(ii)(B)	(B) Television/radio, personal computer or other electronic device for personal use.	1		
483.10(f)(11)(ii)(C)	(C) Personal comfort items, including smoking materials, notions and novelties, and confections.	1		
483.10(f)(11)(ii)(D)	(D) Cosmetic and grooming items and services in excess of those for which payment is made under Medicaid or Medicare.	1		
483.10(f)(11)(ii)(E)	(E) Personal clothing.	1		
483.10(f)(11)(ii)(F)	(F) Personal reading matter.	1		
483.10(f)(11)(ii)(G)	(G) Gifts purchased on behalf of a resident.	1		
483.10(f)(11)(ii)(H)	(H) Flowers and plants.	1		
483.10(f)(11)(ii)(I)	(I) Cost to participate in social events and entertainment outside the scope of the activities program, provided under § 483.24(c).	1		
483.10(f)(11)(ii)(J)	(J) Non-covered special care services such as privately hired nurses or aides.	1		
483.10(f)(11)(ii)(K)	(K) Private room, except when therapeutically required (for example,	1		

	isolation for infection control).			
483.10(f)(11)(ii)(L)	(L) Except as provided in (e)(11)(ii)(L)(1) and (2) of this section, specially prepared or alternative food requested instead of the food and meals generally prepared by the facility, as required by § 483.60.	1		
483.10(f)(11)(ii)(L)(1)	(1) The facility may not charge for special foods and meals, including medically prescribed dietary supplements, ordered by the resident's physician, physician assistant, nurse practitioner, or clinical nurse specialist, as these are included in accordance with § 483.60.	1		
483.10(f)(11)(ii)(L)(2)	(2) In accordance with § 483.60(c) through (f), when preparing foods and meals, a facility must take into consideration residents' needs and preferences and the overall cultural and religious make-up of the facility's population.	1		
483.10(f)(11)(iii)	(iii) Requests for items and services.	1		
483.10(f)(11)(iii)(A)	(A) The facility can only charge a resident for any non-covered item or service if such item or service is specifically requested by the resident.	1		
483.10(f)(11)(iii)(B)	(B) The facility must not require a resident to request any item or service as a condition of admission or continued stay.	1		
483.10(f)(11)(iii)(C)	(C) The facility must inform, orally and in writing, the resident requesting an item or service for which a charge will be made that there will be a charge for the item or service and what the charge will be.	1		

483.10(g)	(g) Information and communication.	1		
483.10(g)(1)	(1) The resident has the right to be informed of his or her rights and of all rules and regulations governing resident conduct and responsibilities during his or her stay in the facility.	1		
483.10(g)(2)	(2) The resident has the right to access personal and medical records pertaining to him or herself.	1		
483.10(g)(2)(i)	(i) The facility must provide the resident with access to personal and medical records pertaining to him or herself, upon an oral or written request, in the form and format requested by the individual, if it is readily producible in such form and format (including in an electronic form or format when such records are maintained electronically); or, if not, in a readable hard copy form or such other form and format as agreed to by the facility and the individual, within 24 hours (excluding weekends and holidays); and	1		
483.10(g)(2)(ii)	(ii) The facility must allow the resident to obtain a copy of the records or any portions thereof (including in an electronic form or format when such records are maintained electronically) upon request and 2 working days advance notice to the facility. The facility may impose a reasonable, cost-based fee on the provision of copies, provided that the fee includes only the cost of:	1		
483.10(g)(2)(ii)(A)	(A) Labor for copying the records requested by the individual, whether in	1		

	paper or electronic form;			
483.10(g)(2)(ii)(B)	(B) Supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media; and	1		
483.10(g)(2)(ii)(C)	(C) Postage, when the individual has requested the copy be mailed.	1		
483.10(g)(3)	(3) With the exception of information described in paragraphs (g)(2) and (g)(11) of this section, the facility must ensure that information is provided to each resident in a form and manner the resident can access and understand, including in an alternative format or in a language that the resident can understand. Summaries that translate information described in paragraph (g)(2) of this section may be made available to the patient at their request and expense in accordance with applicable law.	1		
483.10(g)(4)	(4) The resident has the right to receive notices orally (meaning spoken) and in writing (including Braille) in a format and a language he or she understands, including;	1		
483.10(g)(4)(i)	(i) Required notices as specified in this section. The facility must furnish to each resident a written description of legal rights which includes—	1		
483.10(g)(4)(i)(A)	(A) A description of the manner of protecting personal funds, under paragraph (f)(10) of this section;	1		
483.10(g)(4)(i)(B)	(B) A description of the requirements and procedures for establishing eligibility for Medicaid, including the right to request	1		

	an assessment of resources under section 1924(c) of the Social Security Act.			
483.10(g)(4)(i)(C)	(C) A list of names, addresses (mailing and email), and telephone numbers of all pertinent State regulatory and informational agencies, resident advocacy groups such as the State Survey Agency, the State licensure office, the State Long-Term Care Ombudsman program, the protection and advocacy agency, adult protective services where state law provides for jurisdiction in long-term care facilities, the local contact agency for information about returning to the community and the Medicaid Fraud Control Unit; and	1		
483.10(g)(4)(i)(D)	(D) A statement that the resident may file a complaint with the State Survey Agency concerning any suspected violation of state or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the facility, noncompliance with the advance directives requirements and requests for information regarding returning to the community.	1		
483.10(g)(4)(ii)	(ii) Information and contact information for State and local advocacy organizations, including but not limited to the State Survey Agency, the State Long-Term Care Ombudsman program (established under section 712 of the Older Americans Act of 1965, as amended 2016 (42 U.S.C. 3001 et seq.) and the protection and advocacy system	2		

	(as designated by the state, and as established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.);			
483.10(g)(4)(iii)	(iii) Information regarding Medicare and Medicaid eligibility and coverage;	2		
483.10(g)(4)(iv)	(iv) Contact information for the Aging and Disability Resource Center (established under Section 202(a)(20)(B)(iii) of the Older Americans Act); or other No Wrong Door Program	2		
483.10(g)(4)(v)	(v) Contact information for the Medicaid Fraud Control Unit; and	2		
483.10(g)(4)(vi)	(vi) Information and contact information for filing grievances or complaints concerning any suspected violation of state or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the facility, noncompliance with the advance directives requirements and requests for information regarding returning to the community.	1		
483.10(g)(5)* *The CMS crosswalk cites that 483.10(g)(5)(i)-(v) was revised from 483.10(b)(8). However, we believe this to be incorrect due to the lack of	(5) The facility must post, in a form and manner accessible and understandable to residents, and resident representatives:	1		

similarity in language and the fact that 483.10(g)(5)(iii)-(v) does not exist in the published revised regulations. We have indicated below that 483.10(b)(8) in the previous regulations was revised to 483.10(g)(12) in the revised regulations.				
483.10(g)(5)(i)*	(i) A list of names, addresses (mailing and email), and telephone numbers of all pertinent State agencies and advocacy groups, such as the State Survey Agency, the State licensure office, adult protective services where state law provides for jurisdiction in long-term care facilities, the Office of the State Long-Term Care Ombudsman program, the protection and advocacy network, home and community based service programs, and the Medicaid Fraud Control Unit; and	1		
483.10(g)(5)(ii)	(ii) A statement that the resident may file a complaint with the State Survey Agency concerning any suspected violation of state or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in	1		

	the facility, noncompliance with the advance directives requirements (42 CFR part 489 subpart I) and requests for information regarding returning to the community.			
483.10(g)(6)	(6) The resident has the right to have reasonable access to the use of a telephone, including TTY and TDD services, and a place in the facility where calls can be made without being overheard. This includes the right to retain and use a cellular phone at the resident's own expense.	1		
483.10(g)(7)	(7) The facility must protect and facilitate that resident's right to communicate with individuals and entities within and external to the facility, including reasonable access to:	1		
483.10(g)(7)(i)	(i) A telephone, including TTY and TDD services;	1		
483.10(g)(7)(ii)	(ii) The internet, to the extent available to the facility; and	1		
483.10(g)(7)(iii)	(iii) Stationery, postage, writing implements and the ability to send mail.	1		
483.10(g)(8)	(8) The resident has the right to send and receive mail, and to receive letters, packages and other materials delivered to the facility for the resident through a means other than a postal service, including the right to:	1		
483.10(g)(8)(i)	(i) Privacy of such communications consistent with this section; and	1		
483.10(g)(8)(ii)	(ii) Access to stationery, postage, and writing implements at the resident's own expense.	1		

483.10(g)(9)	(9) The resident has the right to have reasonable access to and privacy in their use of electronic communications such as email and video communications and for Internet research.	1		
483.10(g)(9)(i)	(i) If the access is available to the facility	1		
483.10(g)(9)(ii)	(ii) At the resident's expense, if any additional expense is incurred by the facility to provide such access to the resident.	1		
483.10(g)(9)(iii)	(iii) Such use must comply with state and federal law.	1		
483.10(g)(10)	(10) The resident has the right to—	1		
483.10(g)(10)(i)	(i) Examine the results of the most recent survey of the facility conducted by Federal or State surveyors and any plan of correction in effect with respect to the facility; and	1		
483.10(g)(10)(ii)	(ii) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.	1		
483.10(g)(11)	(11) The facility must—	1		
483.10(g)(11)(i)	(i) Post in a place readily accessible to residents, and family members and legal representatives of residents, the results of the most recent survey of the facility.	1		
483.10(g)(11)(ii)	(ii) Have reports with respect to any surveys, certifications, and complaint investigations made respecting the facility during the 3 preceding years, and any plan of correction in effect with respect to the facility, available for any individual to review upon request; and	1		
483.10(g)(11)(iii)	(iii) Post notice of the availability of such	1		

	reports in areas of the facility that are prominent and accessible to the public.			
483.10(g)(11)(iv)	(iv) The facility shall not make available identifying information about complainants or residents.	1		
483.10(g)(12)* *The CMS crosswalk cites that 483.10(b)(8) was revised to 483.10(g)(5)(i)-(v), when 483.10(g)(5)(iii)-(v) do not exist in the published revised regulations.	(12) The facility must comply with the requirements specified in 42 CFR part 489, subpart I (Advance Directives).	1		
483.10(g)(12)(i)	(i) These requirements include provisions to inform and provide written information to all adult residents concerning the right to accept or refuse medical or surgical treatment and, at the resident's option, formulate an advance directive.	1		
483.10(g)(12)(ii)	(ii) This includes a written description of the facility's policies to implement advance directives and applicable State law.	1		
483.10(g)(12)(iii)	(iii) Facilities are permitted to contract with other entities to furnish this information but are still legally responsible for ensuring that the requirements of this section are met.	1		
483.10(g)(12)(iv)	(iv) If an adult individual is incapacitated at the time of admission and is unable to	1		

	receive information or articulate whether or not he or she has executed an advance directive, the facility may give advance directive information to the individual's resident representative in accordance with State law.			
483.10(g)(12)(v)	(v) The facility is not relieved of its obligation to provide this information to the individual once he or she is able to receive such information. Follow-up procedures must be in place to provide the information to the individual directly at the appropriate time.	1		
483.10(g)(13)	(13) The facility must display in the facility written information, and provide to residents and applicants for admission, oral and written information about how to apply for and use Medicare and Medicaid benefits, and how to receive refunds for previous payments covered by such benefits.	1		
483.10(g)(14)	(14) Notification of changes.	1		
483.10(g)(14)(i)	(i) A facility must immediately inform the resident; consult with the resident's physician; and notify, consistent with his or her authority, the resident representative(s), when there is—	1		
483.10(g)(14)(i)(A)	(A) An accident involving the resident which results in injury and has the potential for requiring physician intervention;	1		
483.10(g)(14)(i)(B)	(B) A significant change in the resident's physical, mental, or psychosocial status (that is, a deterioration in health, mental, or psychosocial status in either life-	1		

	threatening conditions or clinical complications);			
483.10(g)(14)(i)(C)	(C) A need to alter treatment significantly (that is, a need to discontinue or change an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or	1		
483.10(g)(14)(i)(D)	(D) A decision to transfer or discharge the resident from the facility as specified in § 483.15(c)(1)(ii).	1		
483.10(g)(14)(ii)	(ii) When making notification under paragraph (g)(14)(i) of this section, the facility must ensure that all pertinent information specified in § 483.15(c)(2) is available and provided upon request to the physician.	1		
483.10(g)(14)(iii)	(iii) The facility must also promptly notify the resident and the resident representative, if any, when there is—	1		
483.10(g)(14)(iii)(A)	(A) A change in room or roommate assignment as specified in § 483.10(e)(6); or	1		
483.10(g)(14)(iii)(B)	(B) A change in resident rights under Federal or State law or regulations as specified in paragraph (e)(10) of this section.	1		
483.10(g)(14)(iv)	(iv) The facility must record and periodically update the address (mailing and email) and phone number of the resident representative(s).	1		
483.10(g)(15)	(15) Admission to a composite distinct part. A facility that is a composite distinct part (as defined in § 483.5 must disclose in its admission agreement its physical configuration, including the various	1		

	locations that comprise the composite distinct part, and must specify the policies that apply to room changes between its different locations under § 483.15(c)(9).			
483.10(g)(16)	(16) The facility must provide a notice of rights and services to the resident prior to or upon admission and during the resident's stay.	1		
483.10(g)(16)(i)	(i) The facility must inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility.	1		
483.10(g)(16)(ii)	(ii) The facility must also provide the resident with the State-developed notice of Medicaid rights and obligations, if any.	1		
483.10(g)(16)(iii)	(iii) Receipt of such information, and any amendments to it, must be acknowledged in writing;	1		
483.10(g)(17)	(17) The facility must—	1		
483.10(g)(17)(i)	(i) Inform each Medicaid-eligible resident, in writing, at the time of admission to the nursing facility and when the resident becomes eligible for Medicaid of—	1		
483.10(g)(17)(i)(A)	(A) The items and services that are included in nursing facility services under the State plan and for which the resident may not be charged;	1		
483.10(g)(17)(i)(B)	(B) Those other items and services that the facility offers and for which the resident may be charged, and the	1		

	amount of charges for those services; and			
483.10(g)(17)(ii)	(ii) Inform each Medicaid-eligible resident when changes are made to the items and services specified in § 483.10(g)(17)(i)(A) and (B) of this section.	1		
483.10(g)(18)	(18) The facility must inform each resident before, or at the time of admission, and periodically during the resident's stay, of services available in the facility and of charges for those services, including any charges for services not covered under Medicare/ Medicaid or by the facility's per diem rate.	1		
483.10(g)(18)(i)	(i) Where changes in coverage are made to items and services covered by Medicare and/or by the Medicaid State plan, the facility must provide notice to residents of the change as soon as is reasonably possible.	1		
483.10(g)(18)(ii)	(ii) Where changes are made to charges for other items and services that the facility offers, the facility must inform the resident in writing at least 60 days prior to implementation of the change.	1		
483.10(g)(18)(iii)	(iii) If a resident dies or is hospitalized or is transferred and does not return to the facility, the facility must refund to the resident, resident representative, or estate, as applicable, any deposit or charges already paid, less the facility's per diem rate, for the days the resident actually resided or reserved or retained a bed in the facility, regardless of any	1		

	minimum stay or discharge notice requirements.			
483.10(g)(18)(iv)	(iv) The facility must refund to the resident or resident representative any and all refunds due the resident within 30 days from the resident's date of discharge from the facility.	1		
483.10(g)(18)(v)	(v) The terms of an admission contract by or on behalf of an individual seeking admission to the facility must not conflict with the requirements of these regulations.	1		
483.10(h)	(h) Privacy and confidentiality. The resident has a right to personal privacy and confidentiality of his or her personal and medical records.	1		
483.10(h)(1)	(1) Personal privacy includes accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups, but this does not require the facility to provide a private room for each resident.	1		
483.10(h)(2)	(2) The facility must respect the residents right to personal privacy, including the right to privacy in his or her oral (that is, spoken), written, and electronic communications, including the right to send and promptly receive unopened mail and other letters, packages and other materials delivered to the facility for the resident, including those delivered through a means other than a postal service.	1		
483.10(h)(3)	(3) The resident has a right to secure and	1		

	confidential personal and medical records.			
483.10(h)(3)(i)	(i) The resident has the right to refuse the release of personal and medical records except as provided at § 483.70(i)(2) or other applicable federal or state laws.	1		
483.10(h)(3)(ii)	(ii) The facility must allow representatives of the Office of the State Long-Term Care Ombudsman to examine a resident's medical, social, and administrative records in accordance with State law.	1		
483.10(i)	(i) Safe environment. The resident has a right to a safe, clean, comfortable and homelike environment, including but not limited to receiving treatment and supports for daily living safely. The facility must provide—	1		
483.10(i)(1)	(1) A safe, clean, comfortable, and homelike environment, allowing the resident to use his or her personal belongings to the extent possible.	1		
483.10(i)(1)(i)	(i) This includes ensuring that the resident can receive care and services safely and that the physical layout of the facility maximizes resident independence and does not pose a safety risk.	1		
483.10(i)(1)(ii)	(ii) The facility shall exercise reasonable care for the protection of the resident's property from loss or theft.	1		
483.10(i)(2)	(2) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;	1		
483.10(i)(3)	(3) Clean bed and bath linens that are in good condition;	1		
483.10(i)(4)	(4) Private closet space in each resident	1		

	room, as specified in § 483.90(d)(2)(iv);			
483.10(i)(5)	(5) Adequate and comfortable lighting levels in all areas;	1		
483.10(i)(6)	(6) Comfortable and safe temperature levels. Facilities initially certified after October 1, 1990 must maintain a temperature range of 71 to 81 °F; and	1		
483.10(i)(7)	(7) For the maintenance of comfortable sound levels.	1		
483.10(j)	(j) Grievances.	1		
483.10(j)(1)	(1) The resident has the right to voice grievances to the facility or other agency or entity that hears grievances without discrimination or reprisal and without fear of discrimination or reprisal. Such grievances include those with respect to care and treatment which has been furnished as well as that which has not been furnished, the behavior of staff and of other residents; and other concerns regarding their LTC facility stay.	1	**483.10(j)(1)**	*(1) The resident has the right to voice grievances to the facility or other agency or entity that hears grievances without discrimination or reprisal and without fear of discrimination or reprisal. Such grievances include those with respect to care and treatment which has been furnished as well as that which has not been furnished, the behavior of staff and of other residents; and other concerns regarding their LTC facility stay that differ from general feedback from residents or their resident representative.*
483.10(j)(2)	(2) The resident has the right to and the facility must make prompt efforts by the facility to resolve grievances the resident may have, in accordance with this paragraph.	1	**483.10(j)(2)**	*(2) The resident has the right to and the facility must make prompt efforts to resolve grievances the resident may have, in accordance with this paragraph (j).*
483.10(j)(3)	(3) The facility must make information on how to file a grievance or complaint available to the resident.	1		
483.10(j)(4)	(4) The facility must establish a grievance policy to ensure the prompt resolution of all grievances regarding the residents' rights contained in this paragraph. Upon request, the provider must give a copy of the grievance policy to the resident. The	1		

	grievance policy must include:			
483.10(j)(4)(i)	(i) Notifying resident individually or through postings in prominent locations throughout the facility of the right to file grievances orally (meaning spoken) or in writing; the right to file grievances anonymously; the contact information of the grievance official with whom a grievance can be filed, that is, his or her name, business address (mailing and email) and business phone number; a reasonable expected time frame for completing the review of the grievance; the right to obtain a written decision regarding his or her grievance; and the contact information of independent entities with whom grievances may be filed, that is, the pertinent State agency, Quality Improvement Organization, State Survey Agency and State Long-Term Care Ombudsman program or protection and advocacy system;	1	**483.10(j)(4)(i)**	*(i) Notifying resident individually or through postings in prominent locations throughout the facility of the right to file grievances orally (meaning spoken) or in writing; the right to file grievances anonymously; a reasonable expected time frame for completing the review of the grievance; the right to obtain a written decision regarding his or her grievance; and the contact information of independent entities with whom grievances may be filed, that is, the pertinent State Agency, Quality Improvement Organization, State Survey Agency and State Long-Term Care Ombudsman program or protection and advocacy system;*
483.10(j)(4)(ii)	(ii) Identifying a Grievance Official who is responsible for overseeing the grievance process, receiving and tracking grievances through to their conclusion; leading any necessary investigations by the facility; maintaining the confidentiality of all information associated with grievances, for example, the identity of the resident for those grievances submitted anonymously; issuing written grievance decisions to the resident; and coordinating with state and federal agencies as necessary in light of specific allegations;	1	**483.10(4)(ii)**	*(ii) Identifying an individual who is responsible for overseeing the grievance process.*

483.10(j)(4)(iii)	(iii) As necessary, taking immediate action to prevent further potential violations of any resident right while the alleged violation is being investigated;	1		
483.10(j)(4)(iv)	(iv) Consistent with § 483.12(c)(1), immediately reporting all alleged violations involving neglect, abuse, including injuries of unknown source, and/or misappropriation of resident property, by anyone furnishing services on behalf of the provider, to the administrator of the provider; and as required by State law;	1		
483.10(j)(4)(v)	(v) Ensuring that all written grievance decisions include the date the grievance was received, a summary statement of the resident's grievance, the steps taken to investigate the grievance, a summary of the pertinent findings or conclusions regarding the resident's concern(s), a statement as to whether the grievance was confirmed or not confirmed, any corrective action taken or to be taken by the facility as a result of the grievance, and the date the written decision was issued;	1	**483.10(j)(4)(v)**	*(v) Ensuring that all written grievance decisions include any pertinent information including but not limited to a summary of the findings or conclusions and any corrective action taken or to be taken by the facility as a result of the grievance;*
483.10(j)(4)(vi)	(vi) Taking appropriate corrective action in accordance with State law if the alleged violation of the residents' rights is confirmed by the facility or if an outside entity having jurisdiction, such as the State Survey Agency, Quality Improvement Organization, or local law enforcement agency confirms a violation of any of these residents' rights within its area of responsibility; and	1		

483.10(j)(4)(vii)	(vii) Maintaining evidence demonstrating the results of all grievances for a period of no less than 3 years from the issuance of the grievance decision.	1	**483.10(j)(4)(vii)**	*(vii) Maintaining evidence demonstrating the results of all grievances for a period of no less than 18 months from the issuance of the grievance decision.*
483.10(k)	(k) Contact with external entities. A facility must not prohibit or in any way discourage a resident from communicating with federal, state, or local officials, including, but not limited to, federal and state surveyors, other federal or state health department employees, including representatives of the Office of the State Long-Term Care Ombudsman, and any representative of the agency responsible for the protection and advocacy system for individuals with mental disorder (established under the Protection and Advocacy for Mentally Ill Individuals Act of 2000 (42 U.S.C. 10801 et seq.), regarding any matter, whether or not subject to arbitration or any other type of judicial or regulatory action.	1		
§483.12	**Freedom from abuse, neglect, and exploitation.**	This section was implemented in Phase 1 with the following exceptions: §483.12(b)(4), which will be implemented in Phase 3, and §483.12(b)(5), which was implemented in Phase 2.		
483.12	The resident has the right to be free from	1		

	abuse, neglect, misappropriation of resident property, and exploitation as defined in this subpart. This includes but is not limited to freedom from corporal punishment, involuntary seclusion and any physical or chemical restraint not required to treat the resident's medical symptoms.			
483.12(a)	(a) The facility must—	1		
483.12(a)(1)	(1) Not use verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion;	1		
483.12(a)(2)	(2) Ensure that the resident is free from physical or chemical restraints imposed for purposes of discipline or convenience and that are not required to treat the resident's medical symptoms. When the use of restraints is indicated, the facility must use the least restrictive alternative for the least amount of time and document ongoing re-evaluation of the need for restraints.	1		
483.12(a)(3)	(3) Not employ or otherwise engage individuals who—	1		
483.12(a)(3)(i)	(i) Have been found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment by a court of law;	1		
483.12(a)(3)(ii)	(ii) Have had a finding entered into the State nurse aide registry concerning abuse, neglect, exploitation, mistreatment of residents or misappropriation of their property; or	1		
483.12(a)(3)(iii)	(iii) Have a disciplinary action in effect against his or her professional license by	1		

	a state licensure body as a result of a finding of abuse, neglect, exploitation, mistreatment of residents or misappropriation of resident property.			
483.12(a)(4)	(4) Report to the State nurse aide registry or licensing authorities any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff.	1		
483.12(b)	(b) The facility must develop and implement written policies and procedures that:	1		
483.12(b)(1)	(1) Prohibit and prevent abuse, neglect, and exploitation of residents and misappropriation of resident property,	1		
483.12(b)(2)	(2) Establish policies and procedures to investigate any such allegations, and	1		
483.12(b)(3)	(3) Include training as required at paragraph §483.95.	1		
483.12(b)(4)	(4) Establish coordination with the QAPI program required under §483.75.	3		
483.12(b)(5)	(5) Ensure reporting of crimes occurring in federally-funded long-term care facilities in accordance with section 1150B of the Act. The policies and procedures must include but are not limited to the following elements.	2		
483.12(b)(5)(i)	(i) Annually notifying covered individuals, as defined at section 1150B(a)(3) of the Act, of that individual's obligation to comply with the following reporting requirements.	2		
483.12(b)(5)(i)(A)	(A) Each covered individual shall report to the State Agency and one or more law	2		

	enforcement entities for the political subdivision in which the facility is located any reasonable suspicion of a crime against any individual who is a resident of, or is receiving care from, the facility.			
483.12(b)(5)(i)(B)	(B) Each covered individual shall report immediately, but not later than 2 hours after forming the suspicion, if the events that cause the suspicion result in serious bodily injury, or not later than 24 hours if the events that cause the suspicion do not result in serious bodily injury.	2		
483.12(b)(5)(ii)	(ii) Posting a conspicuous notice of employee rights, as defined at section 1150B(d)(3) of the Act.	2		
483.12(b)(5)(iii)	(iii) Prohibiting and preventing retaliation, as defined at section 1150B(d)(1) and (2) of the Act.	2		
483.12(c)	(c) In response to allegations of abuse, neglect, exploitation, or mistreatment, the facility must:	1		
483.12(c)(1)	(1) Ensure that all alleged violations involving abuse, neglect, exploitation or mistreatment, including injuries of unknown source and misappropriation of resident property, are reported immediately, but not later than 2 hours after the allegation is made, if the events that cause the allegation involve abuse or result in serious bodily injury, or not later than 24 hours if the events that cause the allegation do not involve abuse and do not result in serious bodily injury, to the administrator of the facility and to other officials (including to the State Survey	1		

	Agency and adult protective services where state law provides for jurisdiction in long-term care facilities) in accordance with State law through established procedures.			
483.12(c)(2)	(2) Have evidence that all alleged violations are thoroughly investigated.	1		
483.12(c)(3)	(3) Prevent further potential abuse, neglect, exploitation, or mistreatment while the investigation is in progress.	1		
483.12(c)(4)	(4) Report the results of all investigations to the administrator or his or her designated representative and to other officials in accordance with State law, including to the State Survey Agency, within 5 working days of the incident, and if the alleged violation is verified appropriate corrective action must be taken.	1		
§483.15	**Admission, transfer, and discharge rights.**	This section was implemented in Phase 1 with the following exception: §483.15(c)(2), which was implemented in Phase 2.		
483.15(a)	(a) Admissions policy. (1) The facility must establish and implement an admissions policy.	1		
483.15(a)(2)	(2) The facility must—	1		
483.15(a)(2)(i)	(i) Not request or require residents or potential residents to waive their rights as set forth in this subpart and in	1		

	applicable state, federal or local licensing or certification laws, including but not limited to their rights to Medicare or Medicaid; and			
483.15(a)(2)(ii)	(ii) Not request or require oral or written assurance that residents or potential residents are not eligible for, or will not apply for, Medicare or Medicaid benefits.	1		
483.15(a)(2)(iii)	(iii) Not request or require residents or potential residents to waive potential facility liability for losses of personal property	1		
483.15(a)(3)	(3) The facility must not request or require a third party guarantee of payment to the facility as a condition of admission or expedited admission, or continued stay in the facility. However, the facility may request and require a resident representative who has legal access to a resident's income or resources available to pay for facility care to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.	1		
483.15(a)(4)	(4) In the case of a person eligible for Medicaid, a nursing facility must not charge, solicit, accept, or receive, in addition to any amount otherwise required to be paid under the State plan, any gift, money, donation, or other consideration as a precondition of admission, expedited admission or continued stay in the facility. However,—	1		
483.15(a)(4)(i)	(i) A nursing facility may charge a	1		

	resident who is eligible for Medicaid for items and services the resident has requested and received, and that are not specified in the State plan as included in the term ''nursing facility services'' so long as the facility gives proper notice of the availability and cost of these services to residents and does not condition the resident's admission or continued stay on the request for and receipt of such additional services; and			
483.15(a)(4)(ii)	(ii) A nursing facility may solicit, accept, or receive a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to a Medicaid eligible resident or potential resident, but only to the extent that the contribution is not a condition of admission, expedited admission, or continued stay in the facility for a Medicaid eligible resident.	1		
483.15(a)(5)	(5) States or political subdivisions may apply stricter admissions standards under State or local laws than are specified in this section, to prohibit discrimination against individuals entitled to Medicaid.	1		
483.15(a)(6)	(6) A nursing facility must disclose and provide to a resident or potential resident prior to time of admission, notice of special characteristics or service limitations of the facility.	1		
483.15(a)(7)	(7) A nursing facility that is a composite distinct part as defined in § 483.5 must disclose in its admission agreement its physical configuration, including the	1		

	various locations that comprise the composite distinct part, and must specify the policies that apply to room changes between its different locations under paragraph (b)(10) of this section.			
483.15(b)	(b) Equal access to quality care.	1		
483.15(b)(1)	(1) A facility must establish, maintain and implement identical policies and practices regarding transfer and discharge, as defined in § 483.5 and the provision of services for all individuals regardless of source of payment, consistent with § 483.10(a)(2);	1		
483.15(b)(2)	(2) The facility may charge any amount for services furnished to non-Medicaid residents unless otherwise limited by state law and consistent with the notice requirement in § 483.10(g)(3) and (g)(4)(i) describing the charges; and	1		
483.15(b)(3)	(3) The State is not required to offer additional services on behalf of a resident other than services provided in the State plan.	1		
483.15(c)	(c) Transfer and discharge—	1		
483.15(c)(1)	(1) Facility requirements—	1		
483.15(c)(1)(i)	(i) The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless—	1		
483.15(c)(1)(i)(A)	(A) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;	1		
483.15(c)(1)(i)(B)	(B) The transfer or discharge is appropriate because the resident's	1		

	health has improved sufficiently so the resident no longer needs the services provided by the facility;			
483.15(c)(1)(i)(C)	(C) The safety of individuals in the facility is endangered due to the clinical or behavioral status of the resident;	1		
483.15(c)(1)(i)(D)	(D) The health of individuals in the facility would otherwise be endangered;	1		
483.15(c)(1)(i)(E)	(E) The resident has failed, after reasonable and appropriate notice, to pay for (or to have paid under Medicare or Medicaid) a stay at the facility. Nonpayment applies if the resident does not submit the necessary paperwork for third party payment or after the third party, including Medicare or Medicaid, denies the claim and the resident refuses to pay for his or her stay. For a resident who becomes eligible for Medicaid after admission to a facility, the facility may charge a resident only allowable charges under Medicaid; or	1		
483.15(c)(1)(i)(F)	(F) The facility ceases to operate.	1		
483.15(c)(1)(ii)	(ii) The facility may not transfer or discharge the resident while the appeal is pending, pursuant to § 431.230 of this chapter, when a resident exercises his or her right to appeal a transfer or discharge notice from the facility pursuant to § 431.220(a)(3) of this chapter, unless the failure to discharge or transfer would endanger the health or safety of the resident or other individuals in the facility. The facility must document the danger that failure to transfer or	1	**483.15(c)(1)(ii)**	*(ii) The facility may not transfer or discharge the resident while the appeal is pending, pursuant to § 431.230 of this chapter, when a resident exercises his or her right to appeal a transfer or discharge notice from the facility pursuant to § 431.220(a)(2) of this chapter, unless the failure to discharge or transfer would endanger the health or safety of the resident or other individuals in the facility. The facility must document the danger that failure to transfer or discharge would pose.*

	discharge would pose.			
483.15(c)(2)	(2) Documentation. When the facility transfers or discharges a resident under any of the circumstances specified in paragraphs (c)(1)(i)(A) through (F) of this section, the facility must ensure that the transfer or discharge is documented in the resident's medical record and appropriate information is communicated to the receiving health care institution or provider.	2		
483.15(c)(2)(i)	(i) Documentation in the resident's medical record must include:	2		
483.15(c)(2)(i)(A)	(A) The basis for the transfer per paragraph (c)(1)(i) of this section.	2		
483.15(c)(2)(i)(B)	(B) In the case of paragraph (c)(1)(i)(A) of this section, the specific resident need(s) that cannot be met, facility attempts to meet the resident needs, and the service available at the receiving facility to meet the need(s).	2		
483.15(c)(2)(ii)	(ii) The documentation required by paragraph (c)(2)(i) of this section must be made by—	1* *Per CMS Survey and Certification Memo, S&C 17-07-NH, p. 65, 11/9/16		
483.15(c)(2)(ii)(A)	(A) The resident's physician when transfer or discharge is necessary under paragraph (c)(1)(A) or (B) of this section; and	1* *Per CMS Survey and Certification Memo, S&C 17-07-NH, p. 65, 11/9/16		
483.15(c)(2)(ii)(B)	(B) A physician when transfer or discharge is necessary under paragraph	1* *Per CMS Survey		

	(b)(1)(i)(C) or (D) of this section.	and Certification Memo, S&C 17-07-NH, p. 65, 11/9/16		
483.15(c)(2)(iii)	(iii) Information provided to the receiving provider must include a minimum of the following:	2		
483.15(c)(2)(iii)(A)	(A) Contact information of the practitioner responsible for the care of the resident	2		
483.15(c)(2)(iii)(B)	(B) Resident representative information including contact information.	2		
483.15(c)(2)(iii)(C)	(C) Advance Directive information.	2		
483.15(c)(2)(iii)(D)	(D) All special instructions or precautions for ongoing care, as appropriate.	2		
483.15(c)(2)(iii)(E)	(E) Comprehensive care plan goals,	2		
483.15(c)(2)(iii)(F)	(F) All other necessary information, including a copy of the residents discharge summary, consistent with § 483.21(c)(2), as applicable, and any other documentation, as applicable, to ensure a safe and effective transition of care.	2		
483.15(c)(3)	(3) Notice before transfer. Before a facility transfers or discharges a resident, the facility must—	1		
483.15(c)(3)(i)	(i) Notify the resident and the resident's representative(s) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand. The facility must send a copy of the notice to a representative of the Office of the State Long-Term Care Ombudsman.	1	**483.15(c)(3)(i)**	*(i) Notify the resident and the resident's representative(s) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand. For facility-initiated involuntary transfers or discharges, other than emergency transfers to an acute care facility when return is expected, the facility must send a copy of the notice to a representative of the Office of the State Long-Term Care Ombudsman.*
483.15(c)(3)(ii)	(ii) Record the reasons for the transfer or	1		

	discharge in the resident's medical record in accordance with paragraph (c)(2) of this section; and			
483.15(c)(3)(iii)	(iii) Include in the notice the items described in paragraph (b)(5) of this section.	1		
483.15(c)(4)	(4) Timing of the notice.	1		
483.15(c)(4)(i)	(i) Except as specified in paragraphs (b)(4)(ii) and (b)(8) of this section, the notice of transfer or discharge required under this section must be made by the facility at least 30 days before the resident is transferred or discharged.	1		
483.15(c)(4)(ii)	(ii) Notice must be made as soon as practicable before transfer or discharge when—	1		
483.15(c)(4)(ii)(A)	(A) The safety of individuals in the facility would be endangered under paragraph (b)(1)(ii)(C) of this section;	1		
483.15(c)(4)(ii)(B)	(B) The health of individuals in the facility would be endangered, under paragraph (b)(1)(ii)(D) of this section;	1		
483.15(c)(4)(ii)(C)	(C) The resident's health improves sufficiently to allow a more immediate transfer or discharge, under paragraph (b)(1)(ii)(B) of this section;	1		
483.15(c)(4)(ii)(D)	(D) An immediate transfer or discharge is required by the resident's urgent medical needs, under paragraph (b)(1)(ii)(A) of this section; or	1		
483.15(c)(4)(ii)(E)	(E) A resident has not resided in the facility for 30 days.	1		
483.15(c)(5)	(5) Contents of the notice. The written notice specified in paragraph (b)(3) of this section must include the following:	1		

483.15(c)(5)(i)	(i) The reason for transfer or discharge;	1		
483.15(c)(5)(ii)	(ii) The effective date of transfer or discharge;	1		
483.15(c)(5)(iii)	(iii) The location to which the resident is transferred or discharged;	1		
483.15(c)(5)(iv)	(iv) A statement of the resident's appeal rights, including the name, address (mailing and email), and telephone number of the entity which receives such requests; and information on how to obtain an appeal form and assistance in completing the form and submitting the appeal hearing request;	1		
483.15(c)(5)(v)	(v) The name, address (mailing and email) and telephone number of the Office of the State Long-Term Care Ombudsman;	1		
483.15(c)(5)(vi)	(vi) For nursing facility residents with intellectual and developmental disabilities or related disabilities, the mailing and email address and telephone number of the agency responsible for the protection and advocacy of individuals with developmental disabilities established under Part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Pub. L. 106–402, codified at 42 U.S.C. 15001 et seq.); and	1		
483.15(c)(5)(vii)	(vii) For nursing facility residents with a mental disorder or related disabilities, the mailing and email address and telephone number of the agency responsible for the protection and advocacy of individuals with a mental disorder established under the Protection	1		

	and Advocacy for Mentally Ill Individuals Act.			
483.15(c)(6)	(6) Changes to the notice. If the information in the notice changes prior to effecting the transfer or discharge, the facility must update the recipients of the notice as soon as practicable once the updated information becomes available.	1		
483.15(c)(7)	(7) Orientation for transfer or discharge. A facility must provide and document sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility. This orientation must be provided in a form and manner that the resident can understand.	1		
483.15(c)(8)	(8) Notice in advance of facility closure. In the case of facility closure, the individual who is the administrator of the facility must provide written notification prior to the impending closure to the State Survey Agency, the Office of the State Long-Term Care Ombudsman, residents of the facility, and the resident representatives, as well as the plan for the transfer and adequate relocation of the residents, as required at § 483.70(l).	1		
483.15(c)(9)	(9) Room changes in a composite distinct part. Room changes in a facility that is a composite distinct part (as defined in § 483.5) are subject to the requirements of § 483.10(e)(7) and must be limited to moves within the particular building in which the resident resides, unless the resident voluntarily agrees to move to	1		

	another of the composite distinct part's locations.			
483.15(d)	(d) Notice of bed-hold policy and return—	1		
483.15(d)(1)	(1) Notice before transfer. Before a nursing facility transfers a resident to a hospital or the resident goes on therapeutic leave, the nursing facility must provide written information to the resident or resident representative that specifies—	1		
483.15(d)(1)(i)	(i) The duration of the state bed-hold policy, if any, during which the resident is permitted to return and resume residence in the nursing facility;	1		
483.15(d)(1)(ii)	(ii) The reserve bed payment policy in the state plan, under § 447.40 of this chapter, if any;	1		
483.15(d)(1)(iii)	(iii) The nursing facility's policies regarding bed-hold periods, which must be consistent with paragraph (c)(3) of this section, permitting a resident to return; and	1		
483.15(d)(1)(iv)	(iv) The information specified in paragraph (c)(3) of this section.	1		
483.15(d)(2)	(2) Bed-hold notice upon transfer. At the time of transfer of a resident for hospitalization or therapeutic leave, a nursing facility must provide to the resident and the resident representative written notice which specifies the duration of the bed-hold policy described in paragraph (c)(1) of this section.	1		
483.15(e)(1)	(1) Permitting residents to return to facility. A facility must establish and	1		

	follow a written policy on permitting residents to return to the facility after they are hospitalized or placed on therapeutic leave. The policy must provide for the following.			
483.15(e)(1)(i)	(i) A resident, whose hospitalization or therapeutic leave exceeds the bed-hold period under the State plan, returns to the facility to their previous room if available or immediately upon the first availability of a bed in a semiprivate room if the resident	1		
483.15(e)(1)(i)(A)	(A) Requires the services provided by the facility; and	1		
483.15(e)(1)(i)(B)	(B) Is eligible for Medicare skilled nursing facility services or Medicaid nursing facility services.	1		
483.15(e)(1)(ii)	(ii) If the facility that determines that a resident who was transferred with an expectation of returning to the facility cannot return to the facility, the facility must comply with the requirements of paragraph (c) as they apply to discharges.	1		
483.15(e)(2)	(2) Readmission to a composite distinct part. When the facility to which a resident returns is a composite distinct part (as defined in § 483.5), the resident must be permitted to return to an available bed in the particular location of the composite distinct part in which he or she resided previously. If a bed is not available in that location at the time of return, the resident must be given the option to return to that location upon the first availability of a bed there.	1		

§483.20	**Resident assessment.**	This entire section was implemented in Phase 1.		
483.20	The facility must conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity.	1		
483.20(a)	(a) Admission orders. At the time each resident is admitted, the facility must have physician orders for the resident's immediate care.	1		
483.20(b)	(b) Comprehensive assessments –	1		
483.20(b)(1)	(1) Resident assessment instrument. A facility must make a comprehensive assessment of a resident's needs, strengths, goals, life history and preferences, using the resident assessment instrument (RAI) specified by CMS. The assessment must include at least the following:	1		
483.20(b)(1)(i)	(i) Identification and demographic information.	1		
483.20(b)(1)(ii)	(ii) Customary routine.	1		
483.20(b)(1)(iii)	(iii) Cognitive patterns.	1		
483.20(b)(1)(iv)	(iv) Communication.	1		
483.20(b)(1)(v)	(v) Vision.	1		
483.20(b)(1)(vi)	(vi) Mood and behavior patterns.	1		
483.20(b)(1)(vii)	(vii) Psychosocial well-being.	1		
483.20(b)(1)(viii)	(viii) Physical functioning and structural problems.	1		
483.20(b)(1)(ix)	(ix) Continence.	1		
483.20(b)(1)(x)	(x) Disease diagnoses and health conditions.	1		
483.20(b)(1)(xi)	(xi) Dental and nutritional status.	1		

483.20(b)(1)(xii)	(xii) Skin condition.	1		
483.20(b)(1)(xiii)	(xiii) Activity pursuit.	1		
483.20(b)(1)(xiv)	(xiv) Medications.	1		
483.20(b)(1)(xv)	(xv) Special treatments and procedures.	1		
483.20(b)(1)(xvi)	(xvi) Discharge planning.	1		
483.20(b)(1)(xvii)	(xvii) Documentation of summary information regarding the additional assessment performed on the care areas triggered by the completion of the Minimum Data Set (MDS).	1		
483.20(b)(1)(xviii)	(xviii) Documentation of participation in assessment. The assessment process must include direct observation and communication with the resident, as well as communication with licensed and nonlicensed direct care staff members on all shifts.	1		
483.20(b)(2)	(2) When required. Subject to the timeframes prescribed in § 413.343(b) of this chapter, a facility must conduct a comprehensive assessment of a resident in accordance with the timeframes specified in paragraphs (b)(2)(i) through (iii) of this section. The timeframes prescribed in § 413.343(b) of this chapter do not apply to CAHs.	1		
483.20(b)(2)(i)	(i) Within 14 calendar days after admission, excluding readmissions in which there is no significant change in the resident's physical or mental condition. (For purposes of this section, ''readmission'' means a return to the facility following a temporary absence for hospitalization or for therapeutic leave.)	1		
483.20(b)(2)(ii)	(ii) Within 14 calendar days after the	1		

	facility determines, or should have determined, that there has been a significant change in the resident's physical or mental condition. (For purposes of this section, a ''significant change'' means a major decline or improvement in the resident's status that will not normally resolve itself without further intervention by staff or by implementing standard disease-related clinical interventions, that has an impact on more than one area of the resident's health status, and requires interdisciplinary review or revision of the care plan, or both.)			
483.20(b)(2)(iii)	(iii) Not less often than once every 12 months.	1		
483.20(c)	(c) Quarterly review assessment. A facility must assess a resident using the quarterly review instrument specified by the State and approved by CMS not less frequently than once every 3 months.	1		
483.20(d)	(d) Use. A facility must maintain all resident assessments completed within the previous 15 months in the resident's active record and use the results of the assessments to develop, review, and revise the resident's comprehensive plan f care.	1		
483.20(e)	(e) Coordination. A facility must coordinate assessments with the preadmission screening and resident review (PASARR) program under Medicaid in subpart C of this part to the maximum extent practicable to avoid	1		

	duplicative testing and effort. Coordination includes—			
483.20(e)(1)	(1) Incorporating the recommendations from the PASARR level II determination and the PASARR evaluation report into a resident's assessment, care planning, and transitions of care.	1		
483.20(e)(2)	(2) Referring all level II residents and all residents with newly evident or possible serious mental disorder, intellectual disability, or a related condition for level II resident review upon a significant change in status assessment.	1		
483.20(f)	(f) Automated data processing requirement—	1		
483.20(f)(1)	(1) Encoding data. Within 7 days after a facility completes a resident's assessment, a facility must encode the following information for each resident in the facility:	1		
483.20(f)(1)(i)	(i) Admission assessment.	1		
483.20(f)(1)(ii)	(ii) Annual assessment updates.	1		
483.20(f)(1)(iii)	(iii) Significant change in status assessments.	1		
483.20(f)(1)(iv)	(iv) Quarterly review assessments.	1		
483.20(f)(1)(v)	(v) A subset of items upon a resident's transfer, reentry, discharge, and death.	1		
483.20(f)(1)(iv)	(vi) Background (face-sheet) information, if there is no admission assessment.	1		
483.20(f)(2)	(2) Transmitting data. Within 7 days after a facility completes a resident's assessment, a facility must be capable of transmitting to the CMS System information for each resident contained in the MDS in a format that conforms to	1		

	standard record layouts and data dictionaries, and that passes standardized edits defined by CMS and the State.			
483.20(f)(3)	(3) Transmittal requirements. Within 14 days after a facility completes a resident's assessment, a facility must electronically transmit encoded, accurate, and complete MDS data to the CMS System, including the following:	1		
483.20(f)(3)(i)	(i) Admission assessment.	1		
483.20(f)(3)(ii)	(ii) Annual assessment.	1		
483.20(f)(3)(iii)	(iii) Significant change in status assessment.	1		
483.20(f)(3)(iv)	(iv) Significant correction of prior full assessment.	1		
483.20(f)(3)(v)	(v) Significant correction of prior quarterly assessment.	1		
483.20(f)(3)(vi)	(vi) Quarterly review.	1		
483.20(f)(3)(vii)	(vii) A subset of items upon a resident's transfer, reentry, discharge, and death.	1		
483.20(f)(3)(viii)	(viii) Background (face-sheet) information, for an initial transmission of MDS data on a resident that does not have an admission assessment.	1		
483.20(f)(4)	(4) Data format. The facility must transmit data in the format specified by CMS or, for a State which has an alternate RAI approved by CMS, in the format specified by the State and approved by CMS.	1		
483.20(f)(5)	(5) Resident-identifiable information.	1		
483.20(f)(5)(i)	(i) A facility may not release information that is resident-identifiable to the public.	1		
483.20(f)(5)(ii)	(ii) The facility may release information	1		

	that is resident-identifiable to an agent only in accordance with a contract under which the agent agrees not to use or disclose the information except to the extent the facility itself is permitted to do so.			
483.20(g)	(g) Accuracy of assessments. The assessment must accurately reflect the resident's status.	1		
483.20(h)	(h) Coordination. A registered nurse must conduct or coordinate each assessment with the appropriate participation of health professionals.	1		
483.20(i)	(i) Certification.	1		
483.20(i)(1)	(1) A registered nurse must sign and certify that the assessment is completed.	1		
483.20(i)(2)	(2) Each individual who completes a portion of the assessment must sign and certify the accuracy of that portion of the assessment.	1		
483.20(j)	(j) Penalty for falsification.	1		
483.20(j)(1)	(1) Under Medicare and Medicaid, an individual who willfully and knowingly—	1		
483.20(j)(1)(i)	(i) Certifies a material and false statement in a resident assessment is subject to a civil money penalty of not more than $1,000 for each assessment; or.	1		
483.20(j)(1)(ii)	(ii) Causes another individual to certify a material and false statement in a resident assessment is subject to a civil money penalty of not more than $5,000 for each assessment	1		
483.20(j)(2)	(2) Clinical disagreement does not constitute a material and false	1		

	statement.			
483.20(k)	(k) Preadmission screening for individuals with a mental disorder and individuals with intellectual disability.	1		
483.20(k)(1)	(1) A nursing facility must not admit, on or after January 1, 1989, any new resident with—	1		
483.20(k)(1)(i)	(i) Mental disorder as defined in paragraph (k)(3)(i) of this section, unless the State mental health authority has determined, based on an independent physical and mental evaluation performed by a person or entity other than the State mental health authority, prior to admission,	1		
483.20(k)(1)(i)(A)	(A) That, because of the physical and mental condition of the individual, the individual requires the level of services provided by a nursing facility; and	1		
483.20(k)(1)(i)(B)	(B) If the individual requires such level of services, whether the individual requires specialized services; or	1		
483.20(k)(1)(ii)	(ii) Intellectual disability, as defined in paragraph (k)(3)(ii) of this section, unless the State intellectual disability or developmental disability authority has determined prior to admission—	1		
483.20(k)(1)(ii)(A)	(A) That, because of the physical and mental condition of the individual, the individual requires the level of services provided by a nursing facility; and	1		
483.20(k)(1)(ii)(B)	(B) If the individual requires such level of services, whether the individual requires specialized services for intellectual disability.	1		

483.20(k)(2)	(2) Exceptions. For purposes of this section—	1		
483.20(k)(2)(i)	(i) The preadmission screening program under paragraph (k)(1) of this section need not provide for determinations in the case of the readmission to a nursing facility of an individual who, after being admitted to the nursing facility, was transferred for care in a hospital.			
483.20(k)(2)(ii)	(ii) The State may choose not to apply the preadmission screening program under paragraph (k)(1) of this section to the admission to a nursing facility of an individual—	1		
483.20(k)(2)(ii)(A)	(A) Who is admitted to the facility directly from a hospital after receiving acute inpatient care at the hospital,	1		
483.20(k)(2)(ii)(B)	(B) Who requires nursing facility services for the condition for which the individual received care in the hospital, and	1		
483.20(k)(2)(ii)(C)	(C) Whose attending physician has certified, before admission to the facility that the individual is likely to require less than 30 days of nursing facility services.	1		
483.20(k)(3)	(3) Definition. For purposes of this section—	1		
483.20(k)(3)(i)	(i) An individual is considered to have a mental disorder if the individual has a serious mental disorder as defined in § 483.102(b)(1).	1		
483.20(k)(3)(ii)	(ii) An individual is considered to have an intellectual disability if the individual has an intellectual disability as defined in § 483.102(b)(3) or is a person with a related condition as described in §	1		

	435.1010 of this chapter.			
483.20(k)(4)	(4) A nursing facility must notify the state mental health authority or state intellectual disability authority, as applicable, promptly after a significant change in the mental or physical condition of a resident who has a mental disorder or intellectual disability for resident review.	1		
§483.21	**Comprehensive person-centered care planning.**	This section was implemented in Phase 1 with the following exceptions: §483.21(a), which will be implemented in Phase 2, and §483.21(b)(3)(iii), which will be implemented in Phase 3.		
483.21(a)	(a) Baseline care plans.	2		
483.21(a)(1)	(1) The facility must develop and implement a baseline care plan for each resident that includes the instructions needed to provide effective and person-centered care of the resident that meet professional standards of quality care. The baseline care plan must—	2		
483.21(a)(1)(i)	(i) Be developed within 48 hours of a resident's admission.	2		
483.21(a)(1)(ii)	(ii) Include the minimum healthcare information necessary to properly care for a resident including, but not limited	2		

	to			
483.21(a)(1)(ii)(A)	(A) Initial goals based on admission orders.	2		
483.21(a)(1)(ii)(B)	(B) Physician orders.	2		
483.21(a)(1)(ii)(C)	(C) Dietary orders.	2		
483.21(a)(1)(ii)(D)	(D) Therapy services.	2		
483.21(a)(1)(ii)(E)	(E) Social services.	2		
483.21(a)(1)(ii)(F)	(F) PASARR recommendation, if applicable.	2		
483.21(a)(2)	(2) The facility may develop a comprehensive care plan in place of the baseline care plan if the comprehensive care plan—	2		
483.21(a)(2)(i)	(i) Is developed within 48 hours of the resident's admission.	2		
483.21(a)(2)(ii)	(ii) Meets the requirements set forth in paragraph (b) of this section (excepting paragraph (b)(2)(i) of this section).	2		
483.21(a)(3)	(3) The facility must provide the resident and their representative with a summary of the baseline care plan that includes but is not limited to:	2		
483.21(a)(3)(i)	(i) The initial goals of the resident.	2		
483.21(a)(3)(ii)	(ii) A summary of the resident's medications and dietary instructions.	2		
483.21(a)(3)(iii)	(iii) Any services and treatments to be administered by the facility and personnel acting on behalf of the facility.	2		
483.21(a)(3)(iv)	(iv) Any updated information based on the details of the comprehensive care plan, as necessary.	2		
483.21(b)	(b) Comprehensive care plans.	1		
483.21(b)(1)	(1) The facility must develop and implement a comprehensive person-centered care plan for each resident,	1		

	consistent with the resident rights set forth at § 483.10(c)(2) and § 483.10(c)(3), that includes measurable objectives and timeframes to meet a resident's medical, nursing, and mental and psychosocial needs that are identified in the comprehensive assessment. The comprehensive care plan must describe the following:			
483.21(b)(1)(i)	(i) The services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being as required under § 483.24, § 483.25, or § 483.40; and	1		
483.21(b)(1)(ii)	(ii) Any services that would otherwise be required under § 483.24, § 483.25, or § 483.40 but are not provided due to the resident's exercise of rights under § 483.10, including the right to refuse treatment under § 483.10(c)(6).	1		
483.21(b)(1)(iii)	(iii) Any specialized services or specialized rehabilitative services the nursing facility will provide as a result of PASARR recommendations. If a facility disagrees with the findings of the PASARR, it must indicate its rationale in the resident's medical record.	1		
483.21(b)(1)(iv)	(iv) In consultation with the resident and the resident's representative(s)—	1		
483.21(b)(1)(iv)(A)	(A) The resident's goals for admission and desired outcomes.	1		
483.21(b)(1)(iv)(B)	(B) The resident's preference and potential for future discharge. Facilities must document whether the resident's	1		

	desire to return to the community was assessed and any referrals to local contact agencies and/or other appropriate entities, for this purpose.			
483.21(b)(1)(iv)(C)	(C) Discharge plans in the comprehensive care plan, as appropriate, in accordance with the requirements set forth in paragraph (c) of this section.	1		
483.21(b)(2)	(2) A comprehensive care plan must be—	1		
483.21(b)(2)(i)	(i) Developed within 7 days after completion of the comprehensive assessment.	1		
483.21(b)(2)(ii)	(ii) Prepared by an interdisciplinary team, that includes but is not limited to—	1		
483.21(b)(2)(ii)(A)	(A) The attending physician.	1		
483.21(b)(2)(ii)(B)	(B) A registered nurse with responsibility for the resident.	1		
483.21(b)(2)(ii)(C)	(C) A nurse aide with responsibility for the resident.	1		
483.21(b)(2)(ii)(D)	(D) A member of food and nutrition services staff.	1		
483.21(b)(2)(ii)(E)	(E) To the extent practicable, the participation of the resident and the resident's representative(s). An explanation must be included in a resident's medical record if the participation of the resident and their resident representative is determined not practicable for the development of the resident's care plan.	1		
483.21(b)(2)(ii)(F)	(F) Other appropriate staff or professionals in disciplines as determined by the resident's needs or as requested by the resident.	1		
483.21(b)(2)(iii)	(iii) Reviewed and revised by the	1		

	interdisciplinary team after each assessment, including both the comprehensive and quarterly review assessments.			
483.21(b)(3)	(3) The services provided or arranged by the facility, as outlined by the comprehensive care plan, must—	1		
483.21(b)(3)(i)	(i) Meet professional standards of quality.	1		
483.21(b)(3)(ii)	(ii) Be provided by qualified persons in accordance with each resident's written plan of care.	1		
483.21(b)(3)(iii)	(iii) Be culturally-competent and trauma–informed.	3		
483.21(c)	(c) Discharge planning—	1		
483.21(c)(1)	(1) Discharge planning process. The facility must develop and implement an effective discharge planning process that focuses on the resident's discharge goals, the preparation of residents to be active partners and effectively transition them to post-discharge care, and the reduction of factors leading to preventable readmissions. The facility's discharge planning process must be consistent with the discharge rights set forth at § 483.15(b) as applicable and—	1		
483.21(c)(1)(i)	(i) Ensure that the discharge needs of each resident are identified and result in the development of a discharge plan for each resident.	1		
483.21(c)(1)(ii)	(ii) Include regular re-evaluation of residents to identify changes that require modification of the discharge plan. The discharge plan must be updated, as	1		

	needed, to reflect these changes.			
483.21(c)(1)(iii)	(iii) Involve the interdisciplinary team, as defined by § 483.21(b)(2)(ii), in the ongoing process of developing the discharge plan.	1		
483.21(c)(1)(iv)	(iv) Consider caregiver/support person availability and the resident's or caregiver's/support person(s) capacity and capability to perform required care, as part of the identification of discharge needs.	1		
483.21(c)(1)(v)	(v) Involve the resident and resident representative in the development of the discharge plan and inform the resident and resident representative of the final plan.	1		
483.21(c)(1)(vi)	(vi) Address the resident's goals of care and treatment preferences.	1		
483.21(c)(1)(vii)	(vii) Document that a resident has been asked about their interest in receiving information regarding returning to the community.	1		
483.21(c)(1)(vii)(A)	(A) If the resident indicates an interest in returning to the community, the facility must document any referrals to local contact agencies or other appropriate entities made for this purpose.	1		
483.21(c)(1)(vii)(B)	(B) Facilities must update a resident's comprehensive care plan and discharge plan, as appropriate, in response to information received from referrals to local contact agencies or other appropriate entities.	1		
483.21(c)(1)(vii)(C)	(C) If discharge to the community is determined to not be feasible, the facility	1		

	must document who made the determination and why.			
483.21(c)(1)(viii)	(viii) For residents who are transferred to another SNF or who are discharged to a HHA, IRF, or LTCH, assist residents and their resident representatives in selecting a post-acute care provider by using data that includes, but is not limited to SNF, HHA, IRF, or LTCH standardized patient assessment data, data on quality measures, and data on resource use to the extent the data is available. The facility must ensure that the post-acute care standardized patient assessment data, data on quality measures, and data on resource use is relevant and applicable to the resident's goals of care and treatment preferences.	1		
483.21(c)(1)(ix)	(ix) Document, complete on a timely basis based on the resident's needs, and include in the clinical record, the evaluation of the resident's discharge needs and discharge plan. The results of the evaluation must be discussed with the resident or resident's representative. All relevant resident information must be incorporated into the discharge plan to facilitate its implementation and to avoid unnecessary delays in the resident's discharge or transfer.	1		
483.21(c)(2)	(2) Discharge summary. When the facility anticipates discharge a resident must have a discharge summary that includes, but is not limited to, the following:	1		
483.21(c)(2)(i)	(i) A recapitulation of the resident's stay	1		

	that includes, but is not limited to, diagnoses, course of illness/treatment or therapy, and pertinent lab, radiology, and consultation results.			
483.21(c)(2)(ii)	(ii) A final summary of the resident's status to include items in paragraph (b)(1) of § 483.20, at the time of the discharge that is available for release to authorized persons and agencies, with the consent of the resident or resident's representative.	1		
483.21(c)(2)(iii)	(iii) Reconciliation of all pre-discharge medications with the resident's post-discharge medications (both prescribed and over-the-counter).	1		
483.21(c)(2)(iv)	(iv) A post-discharge plan of care that is developed with the participation of the resident and, with the resident's consent, the resident representative(s), which will assist the resident to adjust to his or her new living environment. The post-discharge plan of care must indicate where the individual plans to reside, any arrangements that have been made for the resident's follow up care and any post-discharge medical and non-medical services.	1		
§483.24	**Quality of life.**	This entire section was implemented in Phase 1.		
483.24	Quality of life is a fundamental principle that applies to all care and services provided to facility residents. Each resident must receive and the facility	1		

	must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, consistent with the resident's comprehensive assessment and plan of care.			
483.24(a)	(a) Based on the comprehensive assessment of a resident and consistent with the resident's needs and choices, the facility must provide the necessary care and services to ensure that a resident's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that such diminution was unavoidable. This includes the facility ensuring that:	1		
483.24(a)(1)	(1) A resident is given the appropriate treatment and services to maintain or improve his or her ability to carry out the activities of daily living, including those specified in paragraph (b) of this section,	1		
483.24(a)(2)	(2) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene, and	1		
483.24(a)(3)	(3) Personnel provide basic life support, including CPR, to a resident requiring such emergency care prior to the arrival of emergency medical personnel and subject to related physician orders and the resident's advance directives.	1		
483.24(b)	(b) Activities of daily living. The facility must provide care and services in	1		

	accordance with paragraph (a) of this section for the following activities of daily living:			
483.24(b)(1)	(1) Hygiene—bathing, dressing, grooming, and oral care,	1		
483.24(b)(2)	(2) Mobility—transfer and ambulation, including walking,	1		
483.24(b)(3)	(3) Elimination—toileting,	1		
483.24(b)(4)	(4) Dining—eating, including meals and snacks,	1		
483.24(b)(5)	(5) Communication, including	1		
483.24(b)(5)(i)	(i) Speech,	1		
483.24(b)(5)(ii)	(ii) Language,	1		
483.24(b)(5)(iii)	(iii) Other functional communication systems.	1		
483.24(c)	(c) Activities.	1		
483.24(c)(1)	(1) The facility must provide, based on the comprehensive assessment and care plan and the preferences of each resident, an ongoing program to support residents in their choice of activities, both facility-sponsored group and individual activities and independent activities, designed to meet the interests of and support the physical, mental, and psychosocial well-being of each resident, encouraging both independence and interaction in the community.	1		
483.24(c)(2)	(2) The activities program must be directed by a qualified professional who is a qualified therapeutic recreation specialist or an activities professional who—	1		
483.24(c)(2)(i)	(i) Is licensed or registered, if applicable, by the State in which practicing; and	1		

483.24(c)(2)(ii)	(ii) Is:	1		
483.24(c)(2)(ii)(A)	(A) Eligible for certification as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body on or after October 1, 1990; or	1		
483.24(c)(2)(ii)(B)	(B) Has 2 years of experience in a social or recreational program within the last 5 years, one of which was full-time in a therapeutic activities program; or	1		
483.24(c)(2)(ii)(C)	(C) Is a qualified occupational therapist or occupational therapy assistant; or	1		
483.24(c)(2)(ii)(D)	(D) Has completed a training course approved by the State.	1		
§483.25	**Quality of care.**	This section was implemented in Phase 1 with the following exception: §483.25(m), which will be implemented in Phase 3.		
483.25	Quality of care is a fundamental principle that applies to all treatment and care provided to facility residents. Based on the comprehensive assessment of a resident, the facility must ensure that residents receive treatment and care in accordance with professional standards of practice, the comprehensive person-centered care plan, and the resident's choices, including but not limited to the following:	1		
483.25(a)	(a) Vision and hearing. To ensure that	1		

	residents receive proper treatment and assistive devices to maintain vision and hearing abilities, the facility must, if necessary, assist the resident—			
483.25(a)(1)	(1) In making appointments, and	1		
483.25(a)(2)	(2) By arranging for transportation to and from the office of a practitioner specializing in the treatment of vision or hearing impairment or the office of a professional specializing in the provision of vision or hearing assistive devices.	1		
483.25(b)	(b) Skin integrity—	1		
483.25(b)(1)	(1) Pressure ulcers. Based on the comprehensive assessment of a resident, the facility must ensure that—	1		
483.25(b)(1)(i)	(i) A resident receives care, consistent with professional standards of practice, to prevent pressure ulcers and does not develop pressure ulcers unless the individual's clinical condition demonstrates that they were unavoidable; and	1		
483.25(b)(1)(ii)	(ii) A resident with pressure ulcers receives necessary treatment and services, consistent with professional standards of practice, to promote healing, prevent infection and prevent new ulcers from developing.	1		
483.25(b)(2)	(2) Foot care. To ensure that residents receive proper treatment and care to maintain mobility and good foot health, the facility must—	1		
483.25(b)(2)(i)	(i) Provide foot care and treatment, in accordance with professional standards of practice, including to prevent	1		

	complications from the resident's medical condition(s) and			
483.25(b)(2)(ii)	(ii) If necessary, assist the resident in making appointments with a qualified person, and arranging for transportation to and from such appointments.	1		
483.25(c)	(c) Mobility.	1		
483.25(c)(1)	(1) The facility must ensure that a resident who enters the facility without limited range of motion does not experience reduction in range of motion unless the resident's clinical condition demonstrates that a reduction in range of motion is unavoidable; and	1		
483.25(c)(2)	(2) A resident with limited range of motion receives appropriate treatment and services to increase range of motion and/or to prevent further decrease in range of motion.	1		
483.25(c)(3)	(3) A resident with limited mobility receives appropriate services, equipment, and assistance to maintain or improve mobility with the maximum practicable independence unless a reduction in mobility is demonstrably unavoidable.	1		
483.25(d)	(d) Accidents. The facility must ensure that—	1		
483.25(d)(1)	(1) The resident environment remains as free of accident hazards as is possible; and	1		
483.25(d)(2)	(2) Each resident receives adequate supervision and assistance devices to prevent accidents.	1		

483.25(e)	(e) Incontinence.	1		
483.25(e)(1)	(1) The facility must ensure that a resident who is continent of bladder and bowel on admission receives services and assistance to maintain continence unless his or her clinical condition is or becomes such that continence is not possible to maintain.	1		
483.25(e)(2)	(2) For a resident with urinary incontinence, based on the resident's comprehensive assessment, the facility must ensure that—	1		
483.25(e)(2)(i)	(i) A resident who enters the facility without an indwelling catheter is not catheterized unless the resident's clinical condition demonstrates that catheterization was necessary;	1		
483.25(e)(2)(ii)	(ii) A resident who enters the facility with an indwelling catheter or subsequently receives one is assessed for removal of the catheter as soon as possible unless the resident's clinical condition demonstrates that catheterization is necessary, and	1		
483.25(e)(2)(iii)	(iii) A resident who is incontinent of bladder receives appropriate treatment and services to prevent urinary tract infections and to restore continence to the extent possible.	1		
483.25(e)(3)	(3) For a resident with fecal incontinence, based on the resident's comprehensive assessment, the facility must ensure that a resident who is incontinent of bowel receives appropriate treatment and services to restore as much normal bowel	1		

	function as possible.			
483.25(f)	(f) Colostomy, urostomy, or ileostomy care. The facility must ensure that residents who require colostomy, urostomy, or ileostomy services, receive such care consistent with professional standards of practice, the comprehensive person-centered care plan, and the residents' goals and preferences.	1		
483.25(g)	(g) Assisted nutrition and hydration. (Includes naso-gastric and gastrostomy tubes, both percutaneous endoscopic gastrostomy and percutaneous endoscopic jejunostomy, and enteral fluids). Based on a resident's comprehensive assessment, the facility must ensure that a resident—	1		
483.25(g)(1)	(1) Maintains acceptable parameters of nutritional status, such as usual body weight or desirable body weight range and electrolyte balance, unless the resident's clinical condition demonstrates that this is not possible or resident preferences indicate otherwise;	1		
483.25(g)(2)	(2) Is offered sufficient fluid intake to maintain proper hydration and health; and	1		
483.25(g)(3)	(3) Is offered a therapeutic diet when there is a nutritional problem and the health care provider orders a therapeutic diet.	1		
483.25(g)(4)	(4) A resident who has been able to eat enough alone or with assistance is not fed by enteral methods unless the resident's clinical condition demonstrates	1		

	that enteral feeding was clinically indicated and consented to by the resident; and			
483.25(g)(5)	(5) A resident who is fed by enteral means receives the appropriate treatment and services to restore, if possible, oral eating skills and to prevent complications of enteral feeding including but not limited to aspiration pneumonia, diarrhea, vomiting, dehydration, metabolic abnormalities, and nasal-pharyngeal ulcers.	1		
483.25(h)	(h) Parenteral fluids. Parenteral fluids must be administered consistent with professional standards of practice and in accordance with physician orders, the comprehensive person-centered care plan, and the resident's goals and preferences.	1		
483.25(i)	(i) Respiratory care, including tracheostomy care and tracheal suctioning. The facility must ensure that a resident who needs respiratory care, including tracheostomy care and tracheal suctioning, is provided such care, consistent with professional standards of practice, the comprehensive person-centered care plan, the residents' goals and preferences, and § 483.65 of this subpart.	1		
483.25(j)	(j) Prostheses. The facility must ensure that a resident who has a prosthesis is provided care and assistance, consistent with professional standards of practice, the comprehensive person-centered care	1		

	plan, and the residents' goals and preferences, to wear and be able to use the prosthetic device.			
483.25(k)	(k) Pain management. The facility must ensure that pain management is provided to residents who require such services, consistent with professional standards of practice, the comprehensive person-centered care plan, and the residents' goals and preferences.	1		
483.25(l)	(l) Dialysis. The facility must ensure that residents who require dialysis receive such services, consistent with professional standards of practice, the comprehensive person-centered care plan, and the residents' goals and preferences.	1		
483.25(m)	(m) Trauma-informed care. The facility must ensure that residents who are trauma survivors receive culturally-competent, trauma-informed care in accordance with professional standards of practice and accounting for residents' experiences and preferences in order to eliminate or mitigate triggers that may cause re-traumatization of the resident.	3		
483.25(n)	(n) Bed rails. The facility must attempt to use appropriate alternatives prior to installing a side or bed rail. If a bed or side rail is used, the facility must ensure correct installation, use, and maintenance of bed rails, including but not limited to the following elements.	1	**483.25(n)**	*(n) Bed rails. The facility must attempt to use appropriate alternatives prior to the use of a side or bed rail. If a bed or side rail is used, the facility must ensure correct installation, use, and maintenance of bed rails, including but not limited to the following elements.*
483.25(n)(1)	(1) Assess the resident for risk of entrapment from bed rails prior to	1	**483.25(n)(1)**	*(1) Assess the resident for risk of entrapment from bed rails use.*

	installation.			
483.25(n)(2)	(2) Review the risks and benefits of bed rails with the resident or resident representative and obtain informed consent prior to installation.	1	**483.25(n)(2)**	*(2) Review the risks and benefits of bed rails with the resident or resident representative and obtain informed consent prior to use.*
483.25(n)(3)	(3) Ensure that the bed's dimensions are appropriate for the resident's size and weight.	1		
483.25(n)(4)	(4) Follow the manufacturers' recommendations and specifications for installing and maintaining bed rails.	1		
§483.30	**Physician services.**	This entire section was implemented in Phase 1.		
483.30	A physician must personally approve in writing a recommendation that an individual be admitted to a facility. Each resident must remain under the care of a physician. A physician, physician assistant, nurse practitioner, or clinical nurse specialist must provide orders for the resident's immediate care and needs.	1		
483.30(a)	(a) Physician supervision. The facility must ensure that—	1		
483.30(a)(1)	(1) The medical care of each resident is supervised by a physician; and	1		
483.30(a)(2)	(2) Another physician supervises the medical care of residents when their attending physician is unavailable.	1		
483.30(b)	(b) Physician visits. The physician must—	1		
483.30(b)(1)	(1) Review the resident's total program of care, including medications and treatments, at each visit required by paragraph (c) of this section;	1		

483.30(b)(2)	(2) Write, sign, and date progress notes at each visit; and	1		
483.30(b)(3)	(3) Sign and date all orders with the exception of influenza and pneumococcal vaccines, which may be administered per physician-approved facility policy after an assessment for contraindications.	1		
483.30(c)	(c) Frequency of physician visits.	1		
483.30(c)(1)	(1) The resident must be seen by a physician at least once every 30 days for the first 90 days after admission, and at least once every 60 days thereafter.	1		
483.30(c)(2)	(2) A physician visit is considered timely if it occurs not later than 10 days after the date the visit was required.	1		
483.30(c)(3)	(3) Except as provided in paragraphs (c)(4) and (f) of this section, all required physician visits must be made by the physician personally.	1		
483.30(c)(4)	(4) At the option of the physician, required visits in SNFs after the initial visit may alternate between personal visits by the physician and visits by a physician assistant, nurse practitioner, or clinical nurse specialist in accordance with paragraph (e) of this section.	1		
483.30(d)	(d) Availability of physicians for emergency care. The facility must provide or arrange for the provision of physician services 24 hours a day, in case of an emergency.	1		
483.30(e)* *The CMS crosswalk cites this section as	(e) Physician delegation of tasks in SNFs.	1		

483.30(f) while the published revised regulations cites this section as 483.30(e). Since 483.30(e) in the revised regulations contains sub-clauses (1)(i)-(iii) and (4) while 483.30(f) does not have those sub-clauses, we have used the revised regulations citation.				
483.30(e)(1)	(1) Except as specified in paragraph (e)(2) of this section, a physician may delegate tasks to a physician assistant, nurse practitioner, or clinical nurse specialist who—	1		
483.30(e)(1)(i)	(i) Meets the applicable definition in § 491.2 of this chapter or, in the case of a clinical nurse specialist, is licensed as such by the State;	1		
483.30(e)(1)(ii)	(ii) Is acting within the scope of practice as defined by State law; and	1		
483.30(e)(1)(iii)	(iii) Is under the supervision of the physician.	1		
483.30(e)(2)	(2) A resident's attending physician may delegate the task of writing dietary orders, consistent with § 483.60, to a qualified dietitian or other clinically qualified nutrition professional who—	1		
483.30(e)(2)(i)	(i) Is acting within the scope of practice	1		

	as defined by State law; and			
483.30(e)(2)(ii)	(ii) Is under the supervision of the physician.	1		
483.30(e)(3)	(3) A resident's attending physician may delegate the task of writing therapy orders, consistent with § 483.65, to a qualified therapist who—	1		
483.30(e)(3)(i)	(i) Is acting within the scope of practice as defined by State law; and	1		
483.30(e)(3)(ii)	(ii) Is under the supervision of the physician.	1		
483.30(e)(4)	(4) A physician may not delegate a task when the regulations specify that the physician must perform it personally, or when the delegation is prohibited under State law or by the facility's own policies.	1		
483.30(f)	(f) Performance of physician tasks in NFs. At the option of the State, any required physician task in a NF (including tasks which the regulations specify must be performed personally by the physician) may also be satisfied when performed by a nurse practitioner, clinical nurse specialist, or physician assistant who is not an employee of the facility but who is working in collaboration with a physician.	1		
§483.35	**Nursing services.**	This section was implemented in Phase 1 with the following exception: specific usage of the Facility Assessment at §483.70(e),		

		which was implemented in Phase 2.		
483.35	The facility must have sufficient nursing staff with the appropriate competencies and skills sets to provide nursing and related services to assure resident safety and attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care and considering the number, acuity and diagnoses of the facility's resident population in accordance with the facility assessment required at § 483.70(e).	2		
483.35(a)	(a) Sufficient staff.	1		
483.35(a)(1)	(1) The facility must provide services by sufficient numbers of each of the following types of personnel on a 24-hour basis to provide nursing care to all residents in accordance with resident care plans:	1		
483.35(a)(1)(i)	(i) Except when waived under paragraph (c) of this section, licensed nurses; and	1		
483.35(a)(1)(ii)	(ii) Other nursing personnel, including but not limited to nurse aides.	1		
483.35(a)(2)	(2) Except when waived under paragraph (c) of this section, the facility must designate a licensed nurse to serve as a charge nurse on each tour of duty.	1	**483.35(a)(2)**	*(2) Except when waived under paragraph (e) of this section, the facility must designate a licensed nurse to serve as a charge nurse on each tour of duty.*
483.35(a)(3)	(3) The facility must ensure that licensed nurses have the specific competencies and skill sets necessary to care for residents' needs, as identified through	1		

	resident assessments, and described in the plan of care.			
483.35(a)(4)	(4) Providing care includes but is not limited to assessing, evaluating, planning and implementing resident care plans and responding to resident's needs.	1		
483.35(b)	(b) Registered nurse.	1		
483.35(b)(1)	(1) Except when waived under paragraph (c) or (d) of this section, the facility must use the services of a registered nurse for at least 8 consecutive hours a day, 7 days a week.	1		
483.35(b)(2)	(2) Except when waived under paragraph (c) or (d) of this section, the facility must designate a registered nurse to serve as the director of nursing on a full time basis.	1		
483.35(b)(3)	(3) The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of 60 or fewer residents.	1		
483.35(c)	(c) Proficiency of nurse aides. The facility must ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.	1		
483.35(d)	(d) Requirements for facility hiring and use of nursing aides --	1		
483.35(d)(1)	(1) General rule. A facility must not use any individual working in the facility as a nurse aide for more than 4 months, on a full-time basis, unless—	1		
483.35(d)(1)(i)	(i) That individual is competent to	1		

	provide nursing and nursing related services; and			
483.35(d)(1)(ii)(A)	(ii)(A) That individual has completed a training and competency evaluation program, or a competency evaluation program approved by the State as meeting the requirements of § 483.151 through § 483.154; or	1		
483.35(d)(1)(ii)(B)	(B) That individual has been deemed or determined competent as provided in § 483.150(a) and (b).	1		
483.35(d)(2)	(2) Non-permanent employees. A facility must not use on a temporary, per diem, leased, or any basis other than a permanent employee any individual who does not meet the requirements in paragraphs (d)(1) (i) and (ii) of this section.	1		
483.35(d)(3)	(3) Minimum competency. A facility must not use any individual who has worked less than 4 months as a nurse aide in that facility unless the individual—	1		
483.35(d)(3)(i)	(i) Is a full-time employee in a State-approved training and competency evaluation program;	1		
483.35(d)(3)(ii)	(ii) Has demonstrated competence through satisfactory participation in a State-approved nurse aide training and competency evaluation program or competency evaluation program; or	1		
483.35(d)(3)(iii)	(iii) Has been deemed or determined competent as provided in § 483.150(a) and (b).	1		
483.35(d)(4)	(4) Registry verification. Before allowing an individual to serve as a nurse aide, a	1		

	facility must receive registry verification that the individual has met competency evaluation requirements unless—			
483.35(d)(4)(i)	(i) The individual is a full-time employee in a training and competency evaluation program approved by the State; or	1		
483.35(d)(4)(ii)	(ii) The individual can prove that he or she has recently successfully completed a training and competency evaluation program or competency evaluation program approved by the State and has not yet been included in the registry. Facilities must follow up to ensure that such an individual actually becomes registered.	1		
483.35(d)(5)	(5) Multi-State registry verification. Before allowing an individual to serve as a nurse aide, a facility must seek information from every State registry established under sections 1819(e)(2)(A) or 1919(e)(2)(A) of the Act that the facility believes will include information on the individual.	1		
483.35(d)(6)	(6) Required retraining. If, since an individual's most recent completion of a training and competency evaluation program, there has been a continuous period of 24 consecutive months during none of which the individual provided nursing or nursing-related services for monetary compensation, the individual must complete a new training and competency evaluation program or a new competency evaluation program.	1		
483.35(d)(7)	(7) Regular in-service education. The	1		

	facility must complete a performance review of every nurse aide at least once every 12 months, and must provide regular in-service education based on the outcome of these reviews. In-service training must comply with the requirements of § 483.95(g).			
483.35(e)	(e) Nursing facilities: Waiver of requirement to provide licensed nurses on a 24-hour basis. To the extent that a facility is unable to meet the requirements of paragraphs (a)(2) and (b)(1) of this section, a State may waive such requirements with respect to the facility if—	1		
483.35(e)(1)	(1) The facility demonstrates to the satisfaction of the State that the facility has been unable, despite diligent efforts (including offering wages at the community prevailing rate for nursing facilities), to recruit appropriate personnel;	1		
483.35(e)(2)	(2) The State determines that a waiver of the requirement will not endanger the health or safety of individuals staying in the facility;	1		
483.35(e)(3)	(3) The State finds that, for any periods in which licensed nursing services are not available, a registered nurse or a physician is obligated to respond immediately to telephone calls from the facility;	1		
483.35(e)(4)	(4) A waiver granted under the conditions listed in paragraph (c) of this section is subject to annual State review;	1	**483.35(e)(4)**	*(4) A waiver granted under the conditions listed in paragraph (e) of this section is subject to annual State review;*

483.35(e)(5)	(5) In granting or renewing a waiver, a facility may be required by the State to use other qualified, licensed personnel;	1		
483.35(e)(6)	(6) The State agency granting a waiver of such requirements provides notice of the waiver to the Office of the State Long-Term Care Ombudsman (established under section 712 of the Older Americans Act of 1965) and the protection and advocacy system in the State for individuals with a mental disorder who are eligible for such services as provided by the protection and advocacy agency; and	1		
483.35(e)(7)	(7) The nursing facility that is granted such a waiver by a State notifies residents of the facility and their resident representatives of the waiver.	1		
483.35(f)	(f) SNFs: Waiver of the requirement to provide services of a registered nurse for more than 40 hours a week.	1		
483.35(f)(1)	(1) The Secretary may waive the requirement that a SNF provide the services of a registered nurse for more than 40 hours a week, including a director of nursing specified in paragraph (b) of this section, if the Secretary finds that—	1		
483.35(f)(1)(i)	(i) The facility is located in a rural area and the supply of skilled nursing facility services in the area is not sufficient to meet the needs of individuals residing in the area;	1		
483.35(f)(1)(ii)	(ii) The facility has one full-time registered nurse who is regularly on duty	1		

	at the facility 40 hours a week; and			
483.35(f)(1)(iii)	(iii) The facility either—	1		
483.35(f)(1)(iii)(A)	(A) Has only patients whose physicians have indicated (through physicians' orders or admission notes) that they do not require the services of a registered nurse or a physician for a 48- hours period, or	1		
483.35(f)(1)(iii)(B)	(B) Has made arrangements for a registered nurse or a physician to spend time at the facility, as determined necessary by the physician, to provide necessary skilled nursing services on days when the regular full-time registered nurse is not on duty;	1		
483.35(f)(1)(iv)	(iv) The Secretary provides notice of the waiver to the Office of the State Long-Term Care Ombudsman (established under section 712 of the Older Americans Act of 1965) and the protection and advocacy system in the State for individuals with developmental disabilities or mental disorders; and	1		
483.35(f)(1)(v)	(v) The facility that is granted such a waiver notifies residents of the facility and their resident representatives of the waiver.	1		
483.35(f)(2)	(2) A waiver of the registered nurse requirement under paragraph (d)(1) of this section is subject to annual renewal by the Secretary.	1	**483.35(f)(2)**	*(2) A waiver of the registered nurse requirement under paragraph (f)(1) of this section is subject to annual renewal by the Secretary.*
483.35(g)	(g) Nurse staffing information—	1		
483.35(g)(1)	(1) Data requirements. The facility must post the following information on a daily basis:	1		

483.35(g)(1)(i)	(i) Facility name.	1		
483.35(g)(1)(ii)	(ii) The current date.	1		
483.35(g)(1)(iii)	(iii) The total number and the actual hours worked by the following categories of licensed and unlicensed nursing staff directly responsible for resident care per shift:	1		
483.35(g)(1)(iii)(A)	(A) Registered nurses.	1		
483.35(g)(1)(iii)(B)	(B) Licensed practical nurses or licensed vocational nurses (as defined under State law).	1		
483.35(g)(1)(iii)(C)	(C) Certified nurse aides.	1		
483.35(g)(1)(iv)	(iv) Resident census.	1		
483.35(g)(2)	(2) Posting requirements.	1		
483.35(g)(2)(i)	(i) The facility must post the nurse staffing data specified in paragraph (e)(1) of this section on a daily basis at the beginning of each shift.	1		
483.35(g)(2)(ii)	(ii) Data must be posted as follows:	1		
483.35(g)(2)(ii)(A)	(A) Clear and readable format.	1		
483.35(g)(2)(ii)(B)	(B) In a prominent place readily accessible to residents and visitors.	1		
483.35(g)(3)	(3) Public access to posted nurse staffing data. The facility must, upon oral or written request, make nurse staffing data available to the public for review at a cost not to exceed the community standard.	1		
483.35(g)(4)	(4) Facility data retention requirements. The facility must maintain the posted daily nurse staffing data for a minimum of 18 months, or as required by State law, whichever is greater.	1	**483.35(g)(4)**	*(4) Facility data retention requirements. The facility must maintain the posted daily nurse staffing data for a minimum of 15 months, or as required by state law, whichever is greater.*
§483.40	**Behavioral health services.**	This section was implemented in		

		Phase 2 with the following exceptions: §483.40(a)(1), which will be implemented in Phase 3, and §483.40(b)(1), (b)(2), and §483.40(d), which were implemented in Phase 1.		
483.40	Each resident must receive and the facility must provide the necessary behavioral health care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care. Behavioral health encompasses a resident's whole emotional and mental well-being, which includes, but is not limited to, the prevention and treatment of mental and substance use disorders.	2		
483.40(a)	(a) The facility must have sufficient staff who provide direct services to residents with the appropriate competencies and skills sets to provide nursing and related services to assure resident safety and attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care and considering the	2	**483.40(a)**	*(a) In accordance with § 483.35, the facility must have sufficient staff who provide direct services to residents with competencies and skills sets that include, but are not limited to, knowledge of and appropriate training and supervision for:*

	number, acuity and diagnoses of the facility's resident population in accordance with § 483.70(e). These competencies and skills sets include, but are not limited to, knowledge of and appropriate training and supervision for:			
483.40(a)(1)	(1) Caring for residents with mental and psychosocial disorders, as well as residents with a history of trauma and/or post-traumatic stress disorder, that have been identified in the facility assessment conducted pursuant to § 483.70(e), and	3		
483.40(a)(2)	(2) Implementing nonpharmacological interventions.	2		
483.40(b)	(b) Based on the comprehensive assessment of a resident, the facility must ensure that—	2		
483.40(b)(1)	(1) A resident who displays or is diagnosed with mental disorder or psychosocial adjustment difficulty, or who has a history of trauma and/or posttraumatic stress disorder, receives appropriate treatment and services to correct the assessed problem or to attain the highest practicable mental and psychosocial well-being;	1		
483.40(b)(2)	(2) A resident whose assessment did not reveal or who does not have a diagnosis of a mental or psychosocial adjustment difficulty or a documented history of trauma and/or post-traumatic stress disorder does not display a pattern of decreased social interaction and/or increased withdrawn, angry, or depressive behaviors, unless the	1		

	resident's clinical condition demonstrates that development of such a pattern was unavoidable; and			
483.40(b)(3)	(3) A resident who displays or is diagnosed with dementia, receives the appropriate treatment and services to attain or maintain his or her highest practicable physical, mental, and psychosocial well-being.	2		
483.40(c)	(c) If rehabilitative services such as but not limited to physical therapy, speech-language pathology, occupational therapy, and rehabilitative services for mental disorders and intellectual disability, are required in the resident's comprehensive plan of care, the facility must—	2	~~**483.40(c)**~~	~~(c) If rehabilitative services such as but not limited to physical therapy, speech-language pathology, occupational therapy, and rehabilitative services for mental disorders and intellectual disability, are required in the resident's comprehensive plan of care, the facility must—~~
483.40(c)(1)	(1) Provide the required services, including specialized rehabilitation services as required in § 483.65; or	2	~~**483.40(c)(1)**~~	~~(1) Provide the required services, including specialized rehabilitation services as required in § 483.65; or~~
483.40(c)(2)	(2) Obtain the required services from an outside resource (in accordance with § 483.70(g) of this part) from a Medicare and/or Medicaid provider of specialized rehabilitative services.	2	~~**483.40(c)(2)**~~	~~(2) Obtain the required services from an outside resource (in accordance with § 483.70(g) of this part) from a Medicare and/or Medicaid provider of specialized rehabilitative services.~~
483.40(d)	(d) The facility must provide medically-related social services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident.	1	**483.40(c)**	*(c) The facility must provide medically-related social services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident.*
§483.45	**Pharmacy services.**	This section was implemented in Phase 1 with the following exceptions:		

		§483.45(c)(2) and §483.45(e), which was implemented in Phase 2.		
483.45	The facility must provide routine and emergency drugs and biologicals to its residents, or obtain them under an agreement described in § 483.75(h) of this part. The facility may permit unlicensed personnel to administer drugs if State law permits, but only under the general supervision of a licensed nurse.	1		
483.45(a)	(a) Procedures. A facility must provide pharmaceutical services (including procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals) to meet the needs of each resident.	1		
483.45(b)	(b) Service consultation. The facility must employ or obtain the services of a licensed pharmacist who—	1		
483.45(b)(1)	(1) Provides consultation on all aspects of the provision of pharmacy services in the facility;	1		
483.45(b)(2)	(2) Establishes a system of records of receipt and disposition of all controlled drugs in sufficient detail to enable an accurate reconciliation; and	1		
483.45(b)(3)	(3) Determines that drug records are in order and that an account of all controlled drugs is maintained and periodically reconciled.	1		
483.45(c)	(c) Drug regimen review.	1		
483.45(c)(1)	(1) The drug regimen of each resident	1		

	must be reviewed at least once a month by a licensed pharmacist.			
483.45(c)(2)	(2) This review must include a review of the resident's medical chart.	2		
483.45(c)(3)	(3) A psychotropic drug is any drug that affects brain activities associated with mental processes and behavior. These drugs include, but are not limited to, drugs in the following categories:	1		
483.45(c)(3)(i)	(i) Anti-psychotic;	1		
483.45(c)(3)(ii)	(ii) Anti-depressant;	1		
483.45(c)(3)(iii)	(iii) Anti-anxiety; and	1		
483.45(c)(3)(iv)	(iv) Hypnotic.	1		
483.45(c)(4)	(4) The pharmacist must report any irregularities to the attending physician and the facility's medical director and director of nursing, and these reports must be acted upon.	1		
483.45(c)(4)(i)	(i) Irregularities include, but are not limited to, any drug that meets the criteria set forth in paragraph (d) of this section for an unnecessary drug.	1		
483.45(c)(4)(ii)	(ii) Any irregularities noted by the pharmacist during this review must be documented on a separate, written report that is sent to the attending physician and the facility's medical director and director of nursing and lists, at a minimum, the resident's name, the relevant drug, and the irregularity the pharmacist identified.	1		
483.45(c)(4)(iii)	(iii) The attending physician must document in the resident's medical record that the identified irregularity has	1		

	been reviewed and what, if any, action has been taken to address it. If there is to be no change in the medication, the attending physician should document his or her rationale in the resident's medical record.			
483.45(c)(5)	(5) The facility must develop and maintain policies and procedures for the monthly drug regimen review that include, but are not limited to, time frames for the different steps in the process and steps the pharmacist must take when he or she identifies an irregularity that requires urgent action to protect the resident.	1		
483.45(d)	(d) Unnecessary drugs—General. Each resident's drug regimen must be free from unnecessary drugs. An unnecessary drug is any drug when used—	1		
483.45(d)(1)	(1) In excessive dose (including duplicate drug therapy); or	1		
483.45(d)(2)	(2) For excessive duration; or	1		
483.45(d)(3)	(3) Without adequate monitoring; or	1		
483.45(d)(4)	(4) Without adequate indications for its use; or	1		
483.45(d)(5)	(5) In the presence of adverse consequences which indicate the dose should be reduced or discontinued; or	1		
483.45(d)(6)	(6) Any combinations of the reasons stated in paragraphs (d)(1) through (5) of this section.	1		
483.45(e)	(e) Psychotropic drugs. Based on a comprehensive assessment of a resident, the facility must ensure that—	2		
483.45(e)(1)	(1) Residents who have not used	2		

	psychotropic drugs are not given these drugs unless the medication is necessary to treat a specific condition as diagnosed and documented in the clinical record;			
483.45(e)(2)	(2) Residents who use psychotropic drugs receive gradual dose reductions, and behavioral interventions, unless clinically contraindicated, in an effort to discontinue these drugs;	2		
483.45(e)(3)	(3) Residents do not receive psychotropic drugs pursuant to a PRN order unless that medication is necessary to treat a diagnosed specific condition that is documented in the clinical record; and	2		
483.45(e)(4)	(4) PRN orders for psychotropic drugs are limited to 14 days. Except as provided in § 483.45(e)(5), if the attending physician or prescribing practitioner believes that it is appropriate for the PRN order to be extended beyond 14 days, he or she should document their rationale in the resident's medical record and indicate the duration for the PRN order.	2	**483.45(e)(4)**	*(4) PRN orders for psychotropic drugs are limited to 14 days. If the attending physician or prescribing practitioner believes that it is appropriate for the PRN order to be extended beyond 14 days, the order can be extended in accordance with facility policy if he or she documents his or her rationale in the resident's medical record and indicates the duration for the PRN order.*
483.45(e)(5)	(5) PRN orders for anti-psychotic drugs are limited to 14 days and cannot be renewed unless the attending physician or prescribing practitioner evaluates the resident for the appropriateness of that medication.	2	**483.45(e)(5)**	*(5) It develops and maintains policies, standards, and procedures regarding the use of PRN orders for psychotropics, using recognized standards of practice, including the circumstances in which PRN orders for psychotropic drugs can be extended beyond 14 days. The policy must:*
			483.45(e)(5)(i)	**(i) Take into consideration the facility's resident population, the individual residents' needs for psychotropic drugs, and their access to physicians and other health care practitioners; and**
			483.45(e)(5)(ii)	**(ii) Include, at a minimum, the following elements:**
			483.45(e)(5)(ii)(	**(A) Standards regarding the frequency with which the**

			A)	**attending physician or the prescribing practitioner must review the PRN order. The frequency of PRN review must be no less than the frequency of the required physician visits as set forth at § 483.30(c).** *(483.30(c)(1) states at least every 30 days for first 90 days after admission; then at least every 60 days thereafter. 483.30(c)(2) states that a visit is considered timely if within 10 days after the visit was required.)*
			483.45(e)(5)(ii)(B)	**(B) Documentation requirements regarding the diagnosis, indications for use, including nursing documentation describing the circumstances that support the administration of the medication, and justification for prolonged use.**
			483.45(e)(5)(ii)(C)	**(C) Disclosure requirements that the facility must make to the resident and his or her representative for when a resident is prescribed an anti-psychotic.**
483.45(f)	(f) Medication errors. The facility must ensure that its—	1		
483.45(f)(1)	(1) Medication error rates are not 5 percent or greater; and	1		
483.45(f)(2)	(2) Residents are free of any significant medication errors.	1		
483.45(g)	(g) Labeling of drugs and biologicals. Drugs and biologicals used in the facility must be labeled in accordance with currently accepted professional principles, and include the appropriate accessory and cautionary instructions, and the expiration date when applicable.	1		
483.45(h)	(h) Storage of drugs and biologicals.	1		
483.45(h)(1)	(1) In accordance with State and Federal laws, the facility must store all drugs and biologicals in locked compartments under proper temperature controls, and permit only authorized personnel to have	1		

	access to the keys.			
483.45(h)(2)	(2) The facility must provide separately locked, permanently affixed compartments for storage of controlled drugs listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1976 and other drugs subject to abuse, except when the facility uses single unit package drug distribution systems in which the quantity stored is minimal and a missing dose can be readily detected.	1		
§483.50	**Laboratory, radiology, and other diagnostic services.**	This entire section was implemented in Phase 1.		
483.50(a)	(a) Laboratory services.	1		
483.50(a)(1)	(1) The facility must provide or obtain laboratory services to meet the needs of its residents. The facility is responsible for the quality and timeliness of the services.	1		
483.50(a)(1)(i)	(i) If the facility provides its own laboratory services, the services must meet the applicable requirements for laboratories specified in part 493 of this chapter.	1		
483.50(a)(1)(ii)	(ii) If the facility provides blood bank and transfusion services, it must meet the applicable requirements for laboratories specified in part 493 of this chapter.	1		
483.50(a)(1)(iii)	(iii) If the laboratory chooses to refer specimens for testing to another laboratory, the referral laboratory must be certified in the appropriate specialties	1		

	and subspecialties of services in accordance with the requirements of part 493 of this chapter.			
483.50(a)(1)(iv)	(iv) If the facility does not provide laboratory services on site, it must have an agreement to obtain these services from a laboratory that meets the applicable requirements of part 493 of this chapter.	1		
483.50(a)(2)	(2) The facility must:	1		
483.50(a)(2)(i)	(i) Provide or obtain laboratory services only when ordered by a physician; physician assistant; nurse practitioner or clinical nurse specialist in accordance with State law, including scope of practice laws.	1		
483.50(a)(2)(ii)	(ii) Promptly notify the ordering physician, physician assistant, nurse practitioner, or clinical nurse specialist of laboratory results that fall outside of clinical reference ranges in accordance with facility policies and procedures for notification of a practitioner or per the ordering physician's orders.	1		
483.50(a)(2)(iii)	(iii) Assist the resident in making transportation arrangements to and from the source of service, if the resident needs assistance; and	1		
483.50(a)(2)(iv)	(iv) File in the resident's clinical record laboratory reports that are dated and contain the name and address of the testing laboratory.	1		
483.50(b)	(b) Radiology and other diagnostic services.	1		
483.50(b)(1)	(1) The facility must provide or obtain	1		

	radiology and other diagnostic services to meet the needs of its residents. The facility is responsible for the quality and timeliness of the services.			
483.50(b)(1)(i)	(i) If the facility provides its own diagnostic services, the services must meet the applicable conditions of participation for hospitals contained in § 482.26 of this subchapter.	1		
483.50(b)(1)(ii)	(ii) If the facility does not provide its own diagnostic services, it must have an agreement to obtain these services from a provider or supplier that is approved to provide these services under Medicare.	1		
483.50(b)(2)	(2) The facility must:	1		
483.50(b)(2)(i)	(i) Provide or obtain radiology and other diagnostic services only when ordered by a physician; physician assistant; nurse practitioner or clinical nurse specialist in accordance with State law, including scope of practice laws.	1		
483.50(b)(2)(ii)	(ii) Promptly notify the ordering physician, physician assistant, nurse practitioner, or clinical nurse specialist of results that fall outside of clinical reference ranges in accordance with facility policies and procedures for notification of a practitioner or per the ordering physician's orders.	1		
483.50(b)(2)(iii)	(iii) Assist the resident in making transportation arrangements to and from the source of service, if the resident needs assistance; and	1		
483.50(b)(2)(iv)	(iv) File in the resident's clinical record signed and dated reports of x-ray and	1		

	other diagnostic services.			
§483.55	**Dental services.**	This section was implemented in Phase 1 with the following exceptions: §483.55(a)(3), (a)(5), (b)(3), and (b)(4), which was implemented in Phase 2.		
483.55	The facility must assist residents in obtaining routine and 24-hour emergency dental care.	1		
483.55(a)	(a) Skilled nursing facilities. A facility	1		
483.55(a)(1)	(1) Must provide or obtain from an outside resource, in accordance with § 483.75(h) of this part, routine and emergency dental services to meet the needs of each resident;	1		
483.55(a)(2)	(2) May charge a Medicare resident an additional amount for routine and emergency dental services;	1		
483.55(a)(3)	(3) Must have a policy identifying those circumstances when the loss or damage of dentures is the facility's responsibility and may not charge a resident for the loss or damage of dentures determined in accordance with facility policy to be the facility's responsibility;	2		
483.55(a)(4)	(4) Must if necessary or if requested, assist the resident—	1		
483.55(a)(4)(i)	(i) In making appointments; and	1		
483.55(a)(4)(ii)	(ii) By arranging for transportation to and from the dental services location; and	1		

483.55(a)(5)	(5) Must promptly, within 3 days, refer residents with lost or damaged dentures for dental services. If a referral does not occur within 3 days, the facility must provide documentation of what they did to ensure the resident could still eat and drink adequately while awaiting dental services and the extenuating circumstances that led to the delay.	2		
483.55(b)	(b) Nursing facilities. The facility	1		
483.55(b)(1)	(1) Must provide or obtain from an outside resource, in accordance with § 483.70(g) of this part, the following dental services to meet the needs of each resident:	1		
483.55(b)(1)(i)	(i) Routine dental services (to the extent covered under the State plan); and (ii) Emergency dental services;	1		
483.55(b)(2)	(2) Must, if necessary or if requested, assist the resident—	1		
483.55(b)(2)(i)	(i) In making appointments; and	1		
483.55(b)(2)(ii)	(ii) By arranging for transportation to and from the dental services locations;	1		
483.55(b)(3)	(3) Must promptly, within 3 days, refer residents with lost or damaged dentures for dental services. If a referral does not occur within 3 days, the facility must provide documentation of what they did to ensure the resident could still eat and drink adequately while awaiting dental services and the extenuating circumstances that led to the delay;	2		
483.55(b)(4)	(4) Must have a policy identifying those circumstances when the loss or damage of dentures is the facility's responsibility	2		

	and may not charge a resident for the loss or damage of dentures determined in accordance with facility policy to be the facility's responsibility; and			
483.55(b)(5)	(5) Must assist residents who are eligible and wish to participate to apply for reimbursement of dental services as an incurred medical expense under the State plan.	1		
§483.60	**Food and nutrition services.**	This section was implemented in Phase 1 with the following exceptions: §483.60(a) as linked to Facility Assessment at §483.70(e), which was implemented in Phase 2; §483.60(a)(1)(iv), which will be implemented 5 years following effective date of the final rule; §483.60(a)(2)(i) which will be implemented 5 years following the effective date of the final rule; and §483.60(a)(2)(i) which will be		

		implemented 1 year following the effective date of the final rule.		
483.60	The facility must provide each resident with a nourishing, palatable, well-balanced diet that meets his or her daily nutritional and special dietary needs, taking into consideration the preferences of each resident.	1		
483.60(a)	(a) Staffing. The facility must employ sufficient staff with the appropriate competencies and skills sets to carry out the functions of the food and nutrition service, taking into consideration resident assessments, individual plans of care and the number, acuity and diagnoses of the facility's resident population in accordance with the facility assessment required at § 483.70(e). This includes:	2		
483.60(a)(1)	(1) A qualified dietitian or other clinically qualified nutrition professional either full-time, part-time, or on a consultant basis. A qualified dietitian or other clinically qualified nutrition professional is one who—	1		
483.60(a)(1)(i)	(i) Holds a bachelor's or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics accredited by an appropriate	1		

	national accreditation organization recognized for this purpose.			
483.60(a)(1)(ii)	(ii) Has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional.	1		
483.60(a)(1)(iii)	(iii) Is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed. In a state that does not provide for licensure or certification, the individual will be deemed to have met this requirement if he or she is recognized as a ''registered dietitian'' by the Commission on Dietetic Registration or its successor organization, or meets the requirements of paragraphs (a)(1)(i) and (ii) of this section.	1		
483.60(a)(1)(iv)	(iv) For dietitians hired or contracted with prior to November 28, 2016, meets these requirements no later than 5 years after November 28, 2016 or as required by state law.	Implementation by November 28, 2021.		
483.60(a)(2)	(2) If a qualified dietitian or other clinically qualified nutrition professional is not employed full-time, the facility must designate a person to serve as the director of food and nutrition services who—	1	**483.60(a)(2)**	*(2) If a qualified dietitian or other clinically qualified nutrition professional is not employed full-time, the facility must designate a person to serve as the director of food and nutrition services.*
483.60(a)(2)(i)	(i) For designations prior to November 28, 2016, meets the following requirements no later than 5 years after November 28, 2016, or no later than 1 year after November 28, 2016 for designations after November 28, 2016, is:	1	**483.60(a)(2)(i)**	*(i) The director of food and nutrition services is one who at a minimum—*
483.60(a)(2)(i)(A)	(A) A certified dietary manager; or	By no later than	**483.60(a)(2)(i)(**	*(A) Has two or more years of experience in the position*

		November 28, 2021 if designated prior to November 28, 2016; By no later than November 28, 2017 if designated after November 28, 2016.	**A)**	*of director of food and nutrition services in a nursing facility setting or;*
483.60(a)(2)(i)(B)	(B) A certified food service manager, or	By no later than November 28, 2021 if designated prior to November 28, 2016; By no later than November 28, 2017 if designated after November 28, 2016.	**483.60(a)(2)(i)(B)**	*(B) Has completed a course of study in food safety and management that includes topics integral to managing dietary operations such as, but not limited to, foodborne illness, sanitation procedures, and food purchasing/ receiving.*
483.60(a)(2)(i)(C)	(C) Has similar national certification for food service management and safety from a national certifying body; or	By no later than November 28, 2021 if designated prior to November 28, 2016; By no later than November 28, 2017 if designated after November 28, 2016.	~~**483.60(a)(2)(i)(C)**~~	~~(C) Has similar national certification for food service management and safety from a national certifying body; or~~
483.60(a)(2)(i)(D)	(D) Has an associate's or higher degree in	By no later than	~~**483.60(a)(2)(i)(**~~	~~(D) Has an associate's or higher degree in food service~~

	food service management or in hospitality, if the course study includes food service or restaurant management, from an accredited institution of higher learning; and	November 28, 2021 if designated prior to November 28, 2016; By no later than November 28, 2017 if designated after November 28, 2016.	~~D)~~	~~management or in hospitality, if the course study includes food service or restaurant management, from an accredited institution of higher learning; and~~
483.60(a)(2)(ii)	(ii) In States that have established standards for food service managers or dietary managers, meets State requirements for food service managers or dietary managers, and	1	~~**483.60(a)(2)(ii)**~~	~~(ii) In States that have established standards for food service managers or dietary managers, meets State requirements for food service managers or dietary managers, and~~
483.60(a)(2)(iii)	(iii) Receives frequently scheduled consultations from a qualified dietitian or other clinically qualified nutrition professional.	1	**483.60(a)(2)(ii)**	*(ii) The director of food and nutrition services must receive frequently scheduled consultation from a qualified dietitian or other clinically qualified nutrition professional.*
483.60(a)(3)	(3) Support staff. The facility must provide sufficient support personnel to safely and effectively carry out the functions of the food and nutrition service.	1		
483.60(b)	(b) A member of the Food and Nutrition Services staff must participate on the interdisciplinary team as required in § 483.21(b)(2)(ii).	1		
483.60(c)	(c) Menus and nutritional adequacy. Menus must—	1		
483.60(c)(1)	(1) Meet the nutritional needs of residents in accordance with established national guidelines.;	1		
483.60(c)(2)	(2) Be prepared in advance;	1		

483.60(c)(3)	(3) Be followed;	1		
483.60(c)(4)	(4) Reflect, based on a facility's reasonable efforts, the religious, cultural, and ethnic needs of the resident population, as well as input received from residents and resident groups;	1		
483.60(c)(5)	(5) Be updated periodically;	1		
483.60(c)(6)	(6) Be reviewed by the facility's dietitian or other clinically qualified nutrition professional for nutritional adequacy; and	1		
483.60(c)(7)	(7) Nothing in this paragraph should be construed to limit the resident's right to make personal dietary choices.	1		
483.60(d)	(d) Food and drink. Each resident receives and the facility provides—	1		
483.60(d)(1)	(1) Food prepared by methods that conserve nutritive value, flavor, and appearance;	1		
483.60(d)(2)	(2) Food and drink that is palatable, attractive, and at a safe and appetizing temperature;	1		
483.60(d)(3)	(3) Food prepared in a form designed to meet individual needs;	1		
483.60(d)(4)	(4) Food that accommodates resident allergies, intolerances, and preferences;	1		
483.60(d)(5)	(5) Appealing options of similar nutritive value to residents who choose not to eat food that is initially served or who request a different meal choice; and	1		
483.60(d)(6)	(6) Drinks, including water and other liquids consistent with resident needs and preferences and sufficient to maintain resident hydration.	1		
483.60(e)	(e) Therapeutic diets.	1		

483.60(e)(1)	(1) Therapeutic diets must be prescribed by the attending physician.	1		
483.60(e)(2)	(2) The attending physician may delegate to a registered or licensed dietitian the task of prescribing a resident's diet, including a therapeutic diet, to the extent allowed by State law.	1		
483.60(f)	(f) Frequency of meals.	1		
483.60(f)(1)	(1) Each resident must receive and the facility must provide at least three meals daily, at regular times comparable to normal mealtimes in the community or in accordance with resident needs, preferences, requests, and plan of care.	1		
483.60(f)(2)	(2) There must be no more than 14 hours between a substantial evening meal and breakfast the following day, except when a nourishing snack is served at bedtime, up to 16 hours may elapse between a substantial evening meal and breakfast the following day if a resident group agrees to this meal span.	1		
483.60(f)(3)	(3) Suitable, nourishing alternative meals and snacks must be provided to residents who want to eat at nontraditional times or outside of scheduled meal service times, consistent with the resident plan of care.	1		
483.60(g)	(g) Assistive devices. The facility must provide special eating equipment and utensils for residents who need them and appropriate assistance to ensure that the resident can use the assistive devices when consuming meals and snacks.	1		
483.60(h)	(h) Paid feeding assistants—	1		

483.60(h)(1)	(1) State-approved training course. A facility may use a paid feeding assistant, as defined in § 488.301 of this chapter, if—	1		
483.60(h)(1)(i)	(i) The feeding assistant has successfully completed a State-approved training course that meets the requirements of § 483.160 before feeding residents; and	1		
483.60(h)(1)(ii)	(ii) The use of feeding assistants is consistent with State law.	1		
483.60(h)(2)	(2) Supervision.	1		
483.60(h)(2)(i)	(i) A feeding assistant must work under the supervision of a registered nurse (RN) or licensed practical nurse (LPN).	1		
483.60(h)(2)(ii)	(ii) In an emergency, a feeding assistant must call a supervisory nurse for help.	1		
483.60(h)(3)	(3) Resident selection criteria.	1		
483.60(h)(3)(i)	(i) A facility must ensure that a feeding assistant provides dining assistance only for residents who have no complicated feeding problems.	1		
483.60(h)(3)(ii)	(ii) Complicated feeding problems include, but are not limited to, difficulty swallowing, recurrent lung aspirations, and tube or parenteral/IV feedings.	1		
483.60(h)(3)(iii)	(iii) The facility must base resident selection on the interdisciplinary team's assessment and the resident's latest assessment and plan of care. Appropriateness for this program should be reflected in the comprehensive care plan.	1		
483.60(i)	(i) Food safety requirements. The facility must—	1		
483.60(i)(1)	(1) Procure food from sources approved	1		

	or considered satisfactory by federal, state, or local authorities;			
483.60(i)(1)(i)	(i) This may include food items obtained directly from local producers, subject to applicable State and local laws or regulations.	1		
483.60(i)(1)(ii)	(ii) This provision does not prohibit or prevent facilities from using produce grown in facility gardens, subject to compliance with applicable safe growing and food-handling practices.	1		
483.60(i)(1)(iii)	(iii) This provision does not preclude residents from consuming foods not procured by the facility.	1		
483.60(i)(2)	(2) Store, prepare, distribute, and serve food in accordance with professional standards for food service safety.	1		
483.60(i)(3)	(3) Have a policy regarding use and storage of foods brought to residents by family and other visitors to ensure safe and sanitary storage, handling, and consumption, and	1		
483.60(i)(4)	(4) Dispose of garbage and refuse properly.	1		
§483.65	**Specialized rehabilitative services.**	This entire section was implemented in Phase 1.		
483.65(a)	(a) Provision of services. If specialized rehabilitative services such as but not limited to physical therapy, speech-language pathology, occupational therapy, respiratory therapy, and rehabilitative services for a mental disorder and intellectual disability or	1		

	services of a lesser intensity as set forth at § 483.120(c), are required in the resident's comprehensive plan of care, the facility must—			
483.65(a)(1)	(1) Provide the required services; or	1		
483.65(a)(2)	(2) In accordance with § 483.70(g), obtain the required services from an outside resource that is a provider of specialized rehabilitative services and is not excluded from participating in any federal or state health care programs pursuant to section 1128 and 1156 of the Act.	1		
483.65(b)	(b) Qualifications. Specialized rehabilitative services must be provided under the written order of a physician by qualified personnel.	1		
§483.70	**Administration.**	This section was implemented in Phase 1 with the following exceptions: §483.70(d)(3), which will be implemented in Phase 3, and §483.70(e), which was implemented in Phase 2.		
483.70	A facility must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.	1		

483.70(a)	(a) Licensure. A facility must be licensed under applicable State and local law.	1		
483.70(b)	(b) Compliance with Federal, State, and local laws and professional standards. The facility must operate and provide services in compliance with all applicable Federal, State, and local laws, regulations, and codes, and with accepted professional standards and principles that apply to professionals providing services in such a facility.	1		
483.70(c)	(c) Relationship to other HHS regulations. In addition to compliance with the regulations set forth in this subpart, facilities are obliged to meet the applicable provisions of other HHS regulations, including but not limited to those pertaining to nondiscrimination on the basis of race, color, or national origin (45 CFR part 80); nondiscrimination on the basis of disability (45 CFR part 84); nondiscrimination on the basis of age (45 CFR part 91); nondiscrimination on the basis of race, color, national origin, sex, age, or disability (45 CFR part 92); protection of human subjects of research (45 CFR part 46); and fraud and abuse (42 CFR part 455) and protection of individually identifiable health information (45 CFR parts 160 and 164). Violations of such other provisions may result in a finding of non-compliance with this paragraph.	1		
483.70(d)	(d) Governing body.	1		
483.70(d)(1)	(1) The facility must have governing	1		

	body, or designated persons functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the facility; and			
483.70(d)(2)	(2) The governing body appoints the administrator who is—	1		
483.70(d)(2)(i)	(i) Licensed by the State, where licensing is required;	1		
483.70(d)(2)(ii)	(ii) Responsible for management of the facility; and	1		
483.70(d)(2)(iii)	(iii) Reports to and is accountable to the governing body.	1		
483.70(d)(3)	(3) The governing body is responsible and accountable for the QAPI program, in accordance with § 483.75(f).	3		
483.70(e)	(e) Facility assessment. The facility must conduct and document a facility-wide assessment to determine what resources are necessary to care for its residents competently during both day-to-day operations and emergencies. The facility must review and update that assessment, as necessary, and at least annually. The facility must also review and update this assessment whenever there is, or the facility plans for, any change that would require a substantial modification to any part of this assessment. The facility assessment must address or include:	2	**483.70(e)**	*(e) Facility assessment. The facility must conduct and document a facility-wide assessment to determine what resources are necessary to care for its residents competently during both day-to-day operations and emergencies. The facility must, in coordination with §§ 483.35, 483.40(a), 483.60(a), and 483.75, utilize information collected under the facility assessment to inform policies and procedures; review and update that assessment, as necessary, and at least biennially; and review and update this assessment whenever there is, or the facility plans for, any change that would require a substantial modification to any part of this assessment. The facility assessment must address or include:*
483.70(e)(1)	(1) The facility's resident population, including, but not limited to,	2		
483.70(e)(1)(i)	(i) Both the number of residents and the facility's resident capacity;	2		

483.70(e)(1)(ii)	(ii) The care required by the resident population considering the types of diseases, conditions, physical and cognitive disabilities, overall acuity, and other pertinent facts that are present within that population;	2		
483.70(e)(1)(iii)	(iii) The staff competencies that are necessary to provide the level and types of care needed for the resident population;	2		
483.70(e)(1)(iv)	(iv) The physical environment, equipment, services, and other physical plant considerations that are necessary to care for this population; and	2		
483.70(e)(1)(v)	(v) Any ethnic, cultural, or religious factors that may potentially affect the care provided by the facility, including, but not limited to, activities and food and nutrition services.	2		
483.70(e)(2)	(2) The facility's resources, including but not limited to,	2		
483.70(e)(2)(i)	(i) All buildings and/or other physical structures and vehicles;	2		
483.70(e)(2)(ii)	(ii) Equipment (medical and nonmedical);	2		
483.70(e)(2)(iii)	(iii) Services provided, such as physical therapy, pharmacy, and specific rehabilitation therapies;	2		
483.70(e)(2)(iv)	(iv) All personnel, including managers, staff (both employees and those who provide services under contract), and volunteers, as well as their education and/or training and any competencies related to resident care;	2		
483.70(e)(2)(v)	(v) Contracts, memorandums of understanding, or other agreements with	2		

	third parties to provide services or equipment to the facility during both normal operations and emergencies; and			
483.70(e)(2)(vi)	(vi) Health information technology resources, such as systems for electronically managing patient records and electronically sharing information with other organizations.	2		
483.70(e)(3)	(3) A facility-based and community-based risk assessment, utilizing an all-hazards approach.	2		
483.70(f)	(f) Staff qualifications.	1		
483.70(f)(1)	(1) The facility must employ on a full-time, part-time or consultant basis those professionals necessary to carry out the provisions of these requirements.	1		
483.70(f)(2)	(2) Professional staff must be licensed, certified, or registered in accordance with applicable State laws.	1		
483.70(g)	(g) Use of outside resources.	1		
483.70(g)(1)	(1) If the facility does not employ a qualified professional person to furnish a specific service to be provided by the facility, the facility must have that service furnished to residents by a person or agency outside the facility under an arrangement described in section 1861(w) of the Act or (with respect to services furnished to NF residents and dental services furnished to SNF residents) an agreement described in paragraph (g)(2) of this section.	1		
483.70(g)(2)	(2) Arrangements as described in section 1861(w) of the Act or agreements pertaining to services furnished by	1		

	outside resources must specify in writing that the facility assumes responsibility for—			
483.70(g)(2)(i)	(i) Obtaining services that meet professional standards and principles that apply to professionals providing services in such a facility; and	1		
483.70(g)(2)(ii)	(ii) The timeliness of the services.	1		
483.70(h)	(h) Medical director.	1		
483.70(h)(1)	(1) The facility must designate a physician to serve as medical director.	1		
483.70(h)(2)	(2) The medical director is responsible for—	1		
483.70(h)(2)(i)	(i) Implementation of resident care policies; and	1		
483.70(h)(2)(ii)	(ii) The coordination of medical care in the facility.	1		
483.70(i)	(i) Medical records.	1		
483.70(i)(1)	(1) In accordance with accepted professional standards and practices, the facility must maintain medical records on each resident that are—	1		
483.70(i)(1)(i)	(i) Complete;	1		
483.70(i)(1)(ii)	(ii) Accurately documented;	1		
483.70(i)(1)(iii)	(iii) Readily accessible; and	1		
483.70(i)(1)(iv)	(iv) Systematically organized.	1		
483.70(i)(2)	(2) The facility must keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is—	1		
483.70(i)(2)(i)	(i) To the individual, or their resident representative where permitted by applicable law;	1		
483.70(i)(2)(ii)	(ii) Required by law;	1		

483.70(i)(2)(iii)	(iii) For treatment, payment, or health care operations, as permitted by and in compliance with 45 CFR 164.506;	1		
483.70(i)(2)(iv)	(iv) For public health activities, reporting of abuse, neglect, or domestic violence, health oversight activities, judicial and administrative proceedings, law enforcement purposes, organ donation purposes, research purposes, or to coroners, medical examiners, funeral directors, and to avert a serious threat to health or safety as permitted by and in compliance with 45 CFR 164.512.	1		
483.70(i)(3)	(3) The facility must safeguard medical record information against loss, destruction, or unauthorized use;	1		
483.70(i)(4)	(4) Medical records must be retained for—	1		
483.70(i)(4)(i)	(i) The period of time required by State law; or	1		
483.70(i)(4)(ii)	(ii) Five years from the date of discharge when there is no requirement in State law; or	1		
483.70(i)(4)(iii)	(iii) For a minor, 3 years after a resident reaches legal age under State law.	1		
483.70(i)(5)	(5) The medical record must contain—	1		
483.70(i)(5)(i)	(i) Sufficient information to identify the resident;	1		
483.70(i)(5)(ii)	(ii) A record of the resident's assessments;	1		
483.70(i)(5)(iii)	(iii) The comprehensive plan of care and services provided;	1		
483.70(i)(5)(iv)	(iv) The results of any preadmission screening and resident review evaluations and determinations	1		

	conducted by the State;			
483.70(i)(5)(v)	(v) Physician's, nurse's, and other licensed professional's progress notes; and	1		
483.70(i)(5)(vi)	(vi) Laboratory, radiology and other diagnostic services reports as required under § 483.50.	1		
483.70(j)	(j) Transfer agreement.	1		
483.70(j)(1)	(1) In accordance with section 1861(l) of the Act, the facility (other than a nursing facility which is located in a State on an Indian reservation) must have in effect a written transfer agreement with one or more hospitals approved for participation under the Medicare and Medicaid programs that reasonably assures that—	1		
483.70(j)(1)(i)	(i) Residents will be transferred from the facility to the hospital, and ensured of timely admission to the hospital when transfer is medically appropriate as determined by the attending physician or, in an emergency situation, by another practitioner in accordance with facility policy and consistent with state law; and	1		
483.70(j)(1)(ii)	(ii) Medical and other information needed for care and treatment of residents and, when the transferring facility deems it appropriate, for determining whether such residents can receive appropriate services or receive services in a less restrictive setting than either the facility or the hospital, or reintegrated into the community, will be exchanged between the providers, including but not limited to the	1		

	information required under § 483.15(c)(2)(iii).			
483.70(j)(2)	(2) The facility is considered to have a transfer agreement in effect if the facility has attempted in good faith to enter into an agreement with a hospital sufficiently close to the facility to make transfer feasible.	1		
483.70(k)	(k) Disclosure of ownership.	1		
483.70(k)(1)	(1) The facility must comply with the disclosure requirements of §§ 420.206 and 455.104 of this chapter.	1		
483.70(k)(2)	(2) The facility must provide written notice to the State agency responsible for licensing the facility at the time of change, if a change occurs in—	1		
483.70(k)(2)(i)	(i) Persons with an ownership or control interest, as defined in §§ 420.201 and 455.101 of this chapter;	1		
483.70(k)(2)(ii)	(ii) The officers, directors, agents, or managing employees;	1		
483.70(k)(2)(iii)	(iii) The corporation, association, or other company responsible for the management of the facility; or	1		
483.70(k)(2)(iv)	(iv) The facility's administrator or director of nursing.	1		
483.70(k)(3)	(3) The notice specified in paragraph (p)(2) of this section must include the identity of each new individual or company.	1		
483.70(l)	(l) Facility closure-Administrator. Any individual who is the administrator of the facility must:	1		
483.70(l)(1)	(1) Submit to the Secretary, the State LTC ombudsman, residents of the facility, and	1		

	the legal representatives of such residents or other responsible parties, written notification of an impending closure:			
483.70(l)(1)(i)	(i) At least 60 days prior to the date of closure; or	1		
483.70(l)(1)(ii)	(ii) In the case of a facility where the Secretary or a State terminates the facility's participation in the Medicare and/or Medicaid programs, not later than the date that the Secretary determines appropriate;	1		
483.70(l)(2)	(2) Ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted; and	1		
483.70(l)(3)	(3) Include in the notice the plan for the transfer and adequate relocation of the residents of the facility by a date that would be specified by the State prior to closure, including assurances that the residents would be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs, choice, and best interests of each resident.	1		
483.70(m)	(m) Facility closure. The facility must have in place policies and procedures to ensure that the administrator's duties and responsibilities involve providing the appropriate notices in the event of a facility closure, as required at paragraph (l) of this section.	1		
483.70(n)	(n) Binding arbitration agreements.	Final Rule	**483.70(n)**	*(n) Binding arbitration agreements. If a facility chooses*

		Released July 18 , 2019		*to ask a resident or his or her representative to enter into an agreement for binding arbitration, the facility must comply with all of the requirements in this section.*
483.70(n)(1)	(1) A facility must not enter into a pre-dispute agreement for binding arbitration with any resident or resident's representative nor require that a resident sign an arbitration agreement as a condition of admission to the LTC facility.	Final Rule Released July 18 , 2019	**483.70(n)(1)**	*(1) The facility must not require any resident or his or her representative to sign an agreement for binding arbitration as a condition of admission to, or as a requirement to continue to receive care at, the facility and must explicitly inform the resident or his or her representative of his or her right not to sign the agreement as a condition of admission to, or as a requirement to continue to receive care at, the facility.*
483.70(n)(2)	(2) If, after a dispute between the facility and a resident arises, and a facility chooses to ask a resident or his or her representative to enter into an agreement for binding arbitration, the facility must comply with all of the requirements in this section.	Final Rule Released July 18 , 2019	~~**483.70(n)(2)**~~	~~(2) If, after a dispute between the facility and a resident arises, and a facility chooses to ask a resident or his or her representative to enter into an agreement for binding arbitration, the facility must comply with all of the requirements in this section.~~
483.70(n)(2)(i)	(i) The facility must ensure that:	Final Rule Released July 18 , 2019	**483.70(n)(2)**	*(2) The facility must ensure that:*
483.70(n)(2)(i)(A)	(A) The agreement is explained to the resident and their representative in a form and manner that he or she understands, including in a language the resident and their representative understands, and	Final Rule Released July 18 , 2019	**483.70(n)(2)(i)**	*(i) The agreement is explained to the resident and his or her representative in a form and manner that he or she understands, including in a language the resident and his or her representative understands;*
483.70(n)(2)(i)(B)	(B) The resident acknowledges that he or she understands the agreement.	Final Rule Released July 18 , 2019	**483.70(n)(2)(ii)**	*(ii) The resident or his or her representative acknowledges that he or she understands the agreement;*
483.70(n)(2)(ii)	(ii) The agreement must:	Final Rule Released July 18 , 2019	~~**483.70(n)(2)(ii)**~~	~~(ii) The agreement must:~~
483.70(n)(2)(ii)(A)	(A) Be entered into by the resident voluntarily.	Final Rule Released	~~**483.70(n)(2)(ii)(A)**~~	~~(A) Be entered into by the resident voluntarily.~~

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483.70(n)(2)(ii)(B)	(B) Provide for the selection of a neutral arbitrator agreed upon by both parties.	Final Rule Released July 18 , 2019	**483.70(n)(2)(iii)**	*(iii) The agreement provides for the selection of a neutral arbitrator agreed upon by both parties; and*
483.70(n)(2)(ii)(C)	(C) Provide for selection of a venue convenient to both parties.	Final Rule Released July 18 , 2019	**483.70(n)(2)(iv)**	*(iv) The agreement provides for the selection of a venue that is convenient to both parties.*
483.70(n)(2)(iii)	(iii) A resident's continuing right to remain in the facility must not be contingent upon the resident or the resident's representative signing a binding arbitration agreement.	Final Rule Released July 18 , 2019	~~**483.70(n)(2)(iii)**~~	~~(iii) A resident's continuing right to remain in the facility must not be contingent upon the resident or the resident's representative signing a binding arbitration agreement.~~
		Final Rule Released July 18 , 2019	**483.70(n)(3)**	**(3) The agreement must explicitly grant the resident or his or her representative the right to rescind the agreement within 30 calendar days of signing it.**
		Final Rule Released July 18 , 2019	**483.70(n)(4)**	**(4) The agreement must explicitly state that neither the resident nor his or her representative is required to sign an agreement for binding arbitration as a condition of admission to, or as a requirement to continue to receive care at, the facility.**
483.70(n)(2)(iv)	(iv) The agreement must not contain any language that prohibits or discourages the resident or anyone else from communicating with federal, state, or local officials, including but not limited to, federal and state surveyors, other federal or state health department employees, and representatives of the Office of the State Long-Term Care Ombudsman, in accordance with § 483.10(k).	Final Rule Released July 18 , 2019	**483.70(n)(5)**	*(5) The agreement may not contain any language that prohibits or discourages the resident or anyone else from communicating with federal, state, or local officials, including but not limited to, federal and state surveyors, other federal or state health department employees, and representatives of the Office of the State Long-Term Care Ombudsman, in accordance with § 483.10(k).*
483.70(n)(2)(v)	(v) The agreement may be signed by another individual if:	Final Rule Released	~~**483.70(n)(2)(v)**~~	~~(v) The agreement may be signed by another individual if:~~

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483.70(n)(2)(v)(A)	(A) Allowed by state law;	Final Rule Released July 18 , 2019	~~**483.70(n)(2)(v)(A)**~~	~~(A) Allowed by state law;~~
483.70(n)(2)(v)(B)	(B) All of the requirements in this section are met; and	Final Rule Released July 18 , 2019	~~**483.70(n)(2)(v)(B)**~~	~~(B) All of the requirements in this section are met; and~~
483.70(n)(2)(v)(C)	(C) That individual has no interest in the facility.	Final Rule Released July 18 , 2019	~~**483.70(n)(2)(v)(C)**~~	~~(C) That individual has no interest in the facility.~~
483.70(n)(2)(vi)	(vi) When the facility and a resident resolve a dispute with arbitration, a copy of the signed agreement for binding arbitration and the arbitrator's final decision must be retained by the facility for 5 years and be available for inspection upon request by CMS or its designee.	Final Rule Released July 18 , 2019	**483.70(n)(6)**	*(6) When the facility and a resident resolve a dispute through arbitration, a copy of the signed agreement for binding arbitration and the arbitrator's final decision must be retained by the facility for 5 years after the resolution of that dispute on and be available for inspection upon request by CMS or its designee.*
483.70(o)	(o) Hospice services.	1		
483.70(o)(1)	(1) A long-term care (LTC) facility may do either of the following:	1		
483.70(o)(1)(i)	(i) Arrange for the provision of hospice services through an agreement with one or more Medicare-certified hospices.	1		
483.70(o)(1)(ii)	(ii) Not arrange for the provision of hospice services at the facility through an agreement with a Medicare-certified hospice and assist the resident in transferring to a facility that will arrange for the provision of hospice services when a resident requests a transfer.	1		
483.70(o)(2)	(2) If hospice care is furnished in an LTC facility through an agreement as specified in paragraph (o)(1)(i) of this section with a hospice, the LTC facility	1		

	must meet the following requirements:			
483.70(o)(2)(i)	(i) Ensure that the hospice services meet professional standards and principles that apply to individuals providing services in the facility, and to the timeliness of the services.	1		
483.70(o)(2)(ii)	(ii) Have a written agreement with the hospice that is signed by an authorized representative of the hospice and an authorized representative of the LTC facility before hospice care is furnished to any resident. The written agreement must set out at least the following:	1		
483.70(o)(2)(ii)(A)	(A) The services the hospice will provide.	1		
483.70(o)(2)(ii)(B)	(B) The hospice's responsibilities for determining the appropriate hospice plan of care as specified in § 418.112 (d) of this chapter.	1		
483.70(o)(2)(ii)(C)	(C) The services the LTC facility will continue to provide, based on each resident's plan of care.	1		
483.70(o)(2)(ii)(D)	(D) A communication process, including how the communication will be documented between the LTC facility and the hospice provider, to ensure that the needs of the resident are addressed and met 24 hours per day.	1		
483.70(o)(2)(ii)(E)	(E) A provision that the LTC facility immediately notifies the hospice about the following:	1		
483.70(o)(2)(ii)(E)(1)	(1) A significant change in the resident's physical, mental, social, or emotional status.	1		
483.70(o)(2)(ii)(E)(2)	(2) Clinical complications that suggest a need to alter the plan of care.	1		

483.70(o)(2)(ii)(E)(3)	(3) A need to transfer the resident from the facility for any condition.	1		
483.70(o)(2)(ii)(E)(4)	(4) The resident's death.	1		
483.70(o)(2)(ii)(F)	(F) A provision stating that the hospice assumes responsibility for determining the appropriate course of hospice care, including the determination to change the level of services provided.	1		
483.70(o)(2)(ii)(G)	(G) An agreement that it is the LTC facility's responsibility to furnish 24–hour room and board care, meet the resident's personal care and nursing needs in coordination with the hospice representative, and ensure that the level of care provided is appropriately based on the individual resident's needs.	1		
483.70(o)(2)(ii)(H)	(H) A delineation of the hospice's responsibilities, including but not limited to, providing medical direction and management of the patient; nursing; counseling (including spiritual, dietary, and bereavement); social work; providing medical supplies, durable medical equipment, and drugs necessary for the palliation of pain and symptoms associated with the terminal illness and related conditions; and all other hospice services that are necessary for the care of the resident's terminal illness and related conditions.	1		
483.70(o)(2)(ii)(I)	(I) A provision that when the LTC facility personnel are responsible for the administration of prescribed therapies, including those therapies determined	1		

	appropriate by the hospice and delineated in the hospice plan of care, the LTC facility personnel may administer the therapies where permitted by State law and as specified by the LTC facility.			
483.70(o)(2)(ii)(J)	(J) A provision stating that the LTC facility must report all alleged violations involving mistreatment, neglect, or verbal, mental, sexual, and physical abuse, including injuries of unknown source, and misappropriation of patient property by hospice personnel, to the hospice administrator immediately when the LTC facility becomes aware of the alleged violation.	1		
483.70(o)(2)(ii)(K)	(K) A delineation of the responsibilities of the hospice and the LTC facility to provide bereavement services to LTC facility staff.	1		
483.70(o)(3)	(3) Each LTC facility arranging for the provision of hospice care under a written agreement must designate a member of the facility's interdisciplinary team who is responsible for working with hospice representatives to coordinate care to the resident provided by the LTC facility staff and hospice staff. The interdisciplinary team member must have a clinical background, function within their State scope of practice act, and have the ability to assess the resident or have access to someone that has the skills and capabilities to assess the resident. The designated interdisciplinary team member is responsible for the following:	1		

483.70(o)(3)(i)	(i) Collaborating with hospice representatives and coordinating LTC facility staff participation in the hospice care planning process for those residents receiving these services.	1		
483.70(o)(3)(ii)	(ii) Communicating with hospice representatives and other healthcare providers participating in the provision of care for the terminal illness, related conditions, and other conditions, to ensure quality of care for the patient and family.	1		
483.70(o)(3)(iii)	(iii) Ensuring that the LTC facility communicates with the hospice medical director, the patient's attending physician, and other practitioners participating in the provision of care to the patient as needed to coordinate the hospice care with the medical care provided by other physicians.	1		
483.70(o)(3)(iv)	(iv) Obtaining the following information from the hospice:	1		
483.70(o)(3)(iv)(A)	(A) The most recent hospice plan of care specific to each patient.	1		
483.70(o)(3)(iv)(B)	(B) Hospice election form.	1		
483.70(o)(3)(iv)(C)	(C) Physician certification and recertification of the terminal illness specific to each patient.	1		
483.70(o)(3)(iv)(D)	(D) Names and contact information for hospice personnel involved in hospice care of each patient.	1		
483.70(o)(3)(iv)(E)	(E) Instructions on how to access the hospice's 24–hour on-call system.	1		
483.70(o)(3)(iv)(F)	(F) Hospice medication information specific to each patient.	1		

483.70(o)(3)(iv)(G)	(G) Hospice physician and attending physician (if any) orders specific to each patient.	1		
483.70(o)(3)(v)	(v) Ensuring that the LTC facility staff provides orientation in the policies and procedures of the facility, including patient rights, appropriate forms, and record keeping requirements, to hospice staff furnishing care to LTC residents.	1		
483.70(o)(4)	(4) Each LTC facility providing hospice care under a written agreement must ensure that each resident's written plan of care includes both the most recent hospice plan of care and a description of the services furnished by the LTC facility to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being, as required at § 483.25.	1		
483.70(p)	(p) Social worker. Any facility with more than 120 beds must employ a qualified social worker on a full-time basis. A qualified social worker is:	1		
483.70(p)(1)	(1) An individual with a minimum of a bachelor's degree in social work or a bachelor's degree in a human services field including, but not limited to, sociology, gerontology, special education, rehabilitation counseling, and psychology; and	1		
483.70(p)(2)	(2) One year of supervised social work experience in a health care setting working directly with individuals.	1		
§483.75	**Quality assurance and performance improvement.**	This section will be implemented		

		in Phase 3 with the following exceptions: §483.75(a)(2), which was implemented in Phase 2, §483.75(g)(1)(i)-(iii), which were implemented in Phase 1, §483.75(h), which was implemented in Phase 1, and §483.75(i), which was implemented in Phase 1.		
483.75(a)	(a) Quality assurance and performance improvement (QAPI) program. Each LTC facility, including a facility that is part of a multiunit chain, must develop, implement, and maintain an effective, comprehensive, data-driven QAPI program that focuses on indicators of the outcomes of care and quality of life. The facility must—	3		
483.75(a)(1)	(1) Maintain documentation and demonstrate evidence of its ongoing QAPI program that meets the requirements of this section. This may include but is not limited to systems and reports demonstrating systematic identification, reporting, investigation, analysis, and prevention of adverse	3		

	events; and documentation demonstrating the development, implementation, and evaluation of corrective actions or performance improvement activities;			
483.75(a)(2)	(2) Present its QAPI plan to the State Survey Agency no later than 1 year after the promulgation of this regulation;	2		
483.75(a)(3)	(3) Present its QAPI plan to a State Survey Agency or Federal surveyor at each annual recertification survey and upon request during any other survey and to CMS upon request; and	3		
483.75(a)(4)	(4) Present documentation and evidence of its ongoing QAPI program's implementation and the facility's compliance with requirements to a State Survey Agency, Federal surveyor or CMS upon request.	3		
483.75(b)	(b) Program design and scope. A facility must design its QAPI program to be ongoing, comprehensive, and to address the full range of care and services provided by the facility. It must:	3	**483.75(b)**	*(b) Program design and scope. A facility must design its QAPI program to be ongoing, comprehensive, and capable of addressing the full range of care and services provided by the facility.*
483.75(b)(1)	(1) Address all systems of care and management practices;	3	~~**483.75(b)(1)**~~	~~(1) Address all systems of care and management practices;~~
483.75(b)(2)	(2) Include clinical care, quality of life, and resident choice;	3	~~**483.75(b)(2)**~~	~~(2) Include clinical care, quality of life, and resident choice;~~
483.75(b)(3)	(3) Utilize the best available evidence to define and measure indicators of quality and facility goals that reflect processes of care and facility operations that have been shown to be predictive of desired outcomes for residents of a SNF or NF.	3	~~**483.75(b)(3)**~~	~~(3) Utilize the best available evidence to define and measure indicators of quality and facility goals that reflect processes of care and facility operations that have been shown to be predictive of desired outcomes for residents of a SNF or NF.~~
483.75(b)(4)	(4) Reflect the complexities, unique care,	3	~~**483.75(b)(4)**~~	~~(4) Reflect the complexities, unique care, and services~~

	and services that the facility provides.			~~that the facility provides.~~
483.75(c)	(c) Program feedback, data systems and monitoring. A facility must establish and implement written policies and procedures for feedback, data collections systems, and monitoring, including adverse event monitoring. The policies and procedures must include, at a minimum, the following:	3	**483.75(c)**	*(c) Program feedback, data systems and monitoring. A facility must establish and implement written policies and procedures for feedback, data collections systems, and monitoring, including adverse event monitoring.*
483.75(c)(1)	(1) Facility maintenance of effective systems to obtain and use of feedback and input from direct care staff, other staff, residents, and resident representatives, including how such information will be used to identify problems that are high risk, high volume, or problem-prone, and opportunities for improvement.	3	~~**483.75(c)(1)**~~	~~(1) Facility maintenance of effective systems to obtain and use of feedback and input from direct care staff, other staff, residents, and resident representatives, including how such information will be used to identify problems that are high risk, high volume, or problem-prone, and opportunities for improvement.~~
483.75(c)(2)	(2) Facility maintenance of effective systems to identify, collect, and use data and information from all departments, including but not limited to the facility assessment required at § 483.70(e) and including how such information will be used to develop and monitor performance indicators.	3	~~**483.75(c)(2)**~~	~~(2) Facility maintenance of effective systems to identify, collect, and use data and information from all departments, including but not limited to the facility assessment required at § 483.70(e) and including how such information will be used to develop and monitor performance indicators.~~
483.75(c)(3)	(3) Facility development, monitoring, and evaluation of performance indicators, including the methodology and frequency for such development, monitoring, and evaluation.	3	~~**483.75(c)(3)**~~	~~(3) Facility development, monitoring, and evaluation of performance indicators, including the methodology and frequency for such development, monitoring, and evaluation.~~
483.75(c)(4)	(4) Facility adverse event monitoring, including the methods by which the facility will systematically identify, report, track, investigate, analyze and use data	3	~~**483.75(c)(4)**~~	~~(4) Facility adverse event monitoring, including the methods by which the facility will systematically identify, report, track, investigate, analyze and use data and information relating to adverse events in the~~

	and information relating to adverse events in the facility, including how the facility will use the data to develop activities to prevent adverse events.			~~facility, including how the facility will use the data to develop activities to prevent adverse events.~~
483.75(d)	(d) Program systematic analysis and systemic action.	3	**483.75(d)**	*(d) Program systematic analysis and systemic action. The facility must take actions aimed at performance improvement and, after implementing those actions, measure its success, and track performance to ensure that improvements are realized and sustained.*
483.75(d)(1)	(1) The facility must take actions aimed at performance improvement and, after implementing those actions, measure its success, and track performance to ensure that improvements are realized and sustained.	3		
483.75(d)(2)	(2) The facility will develop and implement policies addressing:	3	~~**483.75(d)(2)**~~	~~(2) The facility will develop and implement policies addressing:~~
483.75(d)(2)(i)	(i) How they will use a systematic approach to determine underlying causes of problems impacting larger systems;	3	~~**483.75(d)(2)(i)**~~	~~(i) How they will use a systematic approach to determine underlying causes of problems impacting larger systems;~~
483.75(d)(2)(ii)	(ii) How they will develop corrective actions that will be designed to effect change at the systems level to prevent quality of care, quality of life, or safety problems; and	3	~~**483.75(d)(2)(ii)**~~	~~(ii) How they will develop corrective actions that will be designed to effect change at the systems level to prevent quality of care, quality of life, or safety problems; and~~
483.75(d)(2)(iii)	(iii) How the facility will monitor the effectiveness of its performance improvement activities to ensure that improvements are sustained.	3	~~**483.75(d)(2)(iii)**~~	~~(iii) How the facility will monitor the effectiveness of its performance improvement activities to ensure that improvements are sustained.~~
483.75(e)	(e) Program activities.	3		
483.75(e)(1)	(1) The facility must set priorities for its performance improvement activities that focus on high-risk, high-volume, or problem-prone areas; consider the incidence, prevalence, and severity of	3		

	problems in those areas; and affect health outcomes, resident safety, resident autonomy, resident choice, and quality of care.			
483.75(e)(2)	(2) Performance improvement activities must track medical errors and adverse resident events, analyze their causes, and implement preventive actions and mechanisms that include feedback and learning throughout the facility.	3		
483.75(e)(3)	(3) As a part of their performance improvement activities, the facility must conduct distinct performance improvement projects. The number and frequency of improvement projects conducted by the facility must reflect the scope and complexity of the facility's services and available resources, as reflected in the facility assessment required at § 483.70(e). Improvement projects must include at least annually a project that focuses on high risk or problem-prone areas identified through the data collection and analysis described in paragraphs (c) and (d) of this section.	3		
483.75(f)	(f) Governance and leadership. The governing body and/or executive leadership (or organized group or individual who assumes full legal authority and responsibility for operation of the facility) is responsible and accountable for ensuring that—	3		
483.75(f)(1)	(1) An ongoing QAPI program is defined, implemented, and maintained and addresses identified priorities.	3		

483.75(f)(2)	(2) The QAPI program is sustained during transitions in leadership and staffing;	3		
483.75(f)(3)	(3) The QAPI program is adequately resourced, including ensuring staff time, equipment, and technical training as needed;	3		
483.75(f)(4)	(4) The QAPI program identifies and prioritizes problems and opportunities that reflect organizational process, functions, and services provided to resident based on performance indicator data, and resident and staff input, and other information.	3		
483.75(f)(5)	(5) Corrective actions address gaps in systems, and are evaluated for effectiveness; and	3		
483.75(f)(6)	(6) Clear expectations are set around safety, quality, rights, choice, and respect.	3		
483.75(g)	(g) Quality assessment and assurance.	1		
483.75(g)(1)	(1) A facility must maintain a quality assessment and assurance committee consisting at a minimum of:	1		
483.75(g)(1)(i)	(i) The director of nursing services;	1		
483.75(g)(1)(ii)	(ii) The Medical Director or his or her designee;	1		
483.75(g)(1)(iii)	(iii) At least three other members of the facility's staff, at least one of who must be the administrator, owner, a board member or other individual in a leadership role; and	1		
483.75(g)(1)(iv)	(iv) The infection control and prevention officer.	3		
483.75(g)(2)	(2) The quality assessment and assurance committee reports to the facility's	3		

	governing body, or designated person(s) functioning as a governing body regarding its activities, including implementation of the QAPI program required under paragraphs (a) through (e) of this section. The committee must:			
483.75(g)(2)(i)	(i) Meet at least quarterly and as needed to coordinate and evaluate activities under the QAPI program, such as identifying issues with respect to which quality assessment and assurance activities, including performance improvement projects required under the QAPI program, are necessary; and	3		
483.75(g)(2)(ii)	(ii) Develop and implement appropriate plans of action to correct identified quality deficiencies; and	3		
483.75(g)(2)(iii)	(iii) Regularly review and analyze data, including data collected under the QAPI program and data resulting from drug regimen reviews, and act on available data to make improvements.	3		
483.75(h)* *The CMS crosswalk cites this section as 483.75(h)(1) while the published revised regulations cite this section as 483.75(h). Since there is no 483.75(h)(1) in the revised regulations, we	(h) Disclosure of information. A State or the Secretary may not require disclosure of the records of such committee except in so far as such disclosure is related to the compliance of such committee with the requirements of this section.	1		

have used the revised regulations citation.				
483.75(i)	(i) Sanctions. Good faith attempts by the committee to identify and correct quality deficiencies will not be used as a basis for sanctions.	1		
§483.80	**Infection control.**	This section was implemented in Phase 1 with the following exceptions: §483.80(a) as linked to Facility Assessment at §483.70(e), which was implemented in Phase 2; §483.70(a)(3), which will be implemented in Phase 2; §483.80(b), which will be implemented in Phase 3; and §483.80(c), which will be implemented in Phase 3.		
483.80	The facility must establish and maintain an infection prevention and control program designed to provide a safe, sanitary, and comfortable environment and to help prevent the development	1		

	and transmission of communicable diseases and infections.			
483.80(a)	(a) Infection prevention and control program. The facility must establish an infection prevention and control program (IPCP) that must include, at a minimum, the following elements:	1		
483.80(a)(1)	(1) A system for preventing, identifying, reporting, investigating, and controlling infections and communicable diseases for all residents, staff, volunteers, visitors, and other individuals providing services under a contractual arrangement based upon the facility assessment conducted according to § 483.70(e) and following accepted national standards;	2		
483.80(a)(2)	(2) Written standards, policies, and procedures for the program, which must include, but are not limited to:	1		
483.80(a)(2)(i)	(i) A system of surveillance designed to identify possible communicable diseases or infections before they can spread to other persons in the facility;	1		
483.80(a)(2)(ii)	(ii) When and to whom possible incidents of communicable disease or infections should be reported;	1		
483.80(a)(2)(iii)	(iii) Standard and transmission-based precautions to be followed to prevent spread of infections;	1		
483.80(a)(2)(iv)	(iv) When and how isolation should be used for a resident; including but not limited to:	1		
483.80(a)(2)(iv)(A)	(A) The type and duration of the isolation, depending upon the infectious agent or organism involved, and	1		

483.80(a)(2)(iv)(B)	(B) A requirement that the isolation should be the least restrictive possible for the resident under the circumstances.	1		
483.80(a)(2)(v)	(v) The circumstances under which the facility must prohibit employees with a communicable disease or infected skin lesions from direct contact with residents or their food, if direct contact will transmit the disease; and	1		
483.80(a)(2)(vi)	(vi) The hand hygiene procedures to be followed by staff involved in direct resident contact.	1		
483.80(a)(3)	(3) An antibiotic stewardship program that includes antibiotic use protocols and a system to monitor antibiotic use.	2		
483.80(a)(4)	(4) A system for recording incidents identified under the facility's IPCP and the corrective actions taken by the facility.	1		
483.80(b)	(b) Infection preventionist. The facility must designate one or more individual(s) as the infection preventionist(s) (IPs) who are responsible for the facility's IPCP. The IP must:	3		
483.80(b)(1)	(1) Have primary professional training in nursing, medical technology, microbiology, epidemiology, or other related field;	3		
483.80(b)(2)	(2) Be qualified by education, training, experience or certification;	3		
483.80(b)(3)	(3) Work at least part-time at the facility; and	3	**483.80(b)(3)**	*(3) Have sufficient time at the facility to achieve the objectives set forth in the facility's IPCP.*
483.80(b)(4)	(4) Have completed specialized training in infection prevention and control.	3		

483.80(c)	(c) IP participation on quality assessment and assurance committee. The individual designated as the IP, or at least one of the individuals if there is more than one IP, must be a member of the facility's quality assessment and assurance committee and report to the committee on the IPCP on a regular basis.	3		
483.80(d)	(d) Influenza and pneumococcal immunizations—	1		
483.80(d)(1)	(1) Influenza. The facility must develop policies and procedures to ensure that—	1		
483.80(d)(1)(i)	(i) Before offering the influenza immunization, each resident or the resident's representative receives education regarding the benefits and potential side effects of the immunization;	1		
483.80(d)(1)(ii)	(ii) Each resident is offered an influenza immunization October 1 through March 31 annually, unless the immunization is medically contraindicated or the resident has already been immunized during this time period;	1		
483.80(d)(1)(iii)	(iii) The resident or the resident's representative has the opportunity to refuse immunization; and	1		
483.80(d)(1)(iv)	(iv) The resident's medical record includes documentation that indicates, at a minimum, the following:	1		
483.80(d)(1)(iv)(A)	(A) That the resident or resident's representative was provided education regarding the benefits and potential side effects of influenza immunization; and	1		
483.80(d)(1)(iv)(B)	(B) That the resident either received the	1		

	influenza immunization or did not receive the influenza immunization due to medical contraindications or refusal.			
483.80(d)(2)	(2) Pneumococcal disease. The facility must develop policies and procedures to ensure that—	1		
483.80(d)(2)(i)	(i) Before offering the pneumococcal immunization, each resident or the resident's representative receives education regarding the benefits and potential side effects of the immunization;	1		
483.80(d)(2)(ii)	(ii) Each resident is offered a pneumococcal immunization, unless the immunization is medically contraindicated or the resident has already been immunized;	1		
483.80(d)(2)(iii)	(iii) The resident or the resident's representative has the opportunity to refuse immunization; and	1		
483.80(d)(2)(iv)	(iv) The resident's medical record includes documentation that indicates, at a minimum, the following:	1		
483.80(d)(2)(iv)(A)	(A) That the resident or resident's representative was provided education regarding the benefits and potential side effects of pneumococcal immunization; and	1		
483.80(d)(2)(iv)(B)	(B) That the resident either received the pneumococcal immunization or did not receive the pneumococcal immunization due to medical contraindication or refusal.	1		
483.80(e)	(e) Linens. Personnel must handle, store, process, and transport linens so as to	1		

	prevent the spread of infection.			
483.80(f)	(f) Annual review. The facility will conduct an annual review of its IPCP and update their program, as necessary.	1		
§483.85	**Compliance and ethics program.**	This entire section will be implemented in Phase 3.		
483.85(a)	(a) Definitions. For purposes of this section, the following definitions apply: Compliance and ethics program means, with respect to a facility, a program of the operating organization that—	3		
483.85(a)(1)	(1) Has been reasonably designed, implemented, and enforced so that it is likely to be effective in preventing and detecting criminal, civil, and administrative violations under the Act and in promoting quality of care; and	3	**483.85(a)(i)**	*(i) Has been reasonably designed, implemented, and enforced so that it is likely to be effective in preventing and detecting criminal, civil, and administrative violations under the Act and in promoting quality of care; and*
483.85(a)(2)	(2) Includes, at a minimum, the required components specified in paragraph (c) of this section. High-level personnel means individual(s) who have substantial control over the operating organization or who have a substantial role in the making of policy within the operating organization. Operating organization means the individual(s) or entity that operates a facility.	3	**483.85(a)(ii)**	*(ii) Includes, at a minimum, the required components specified in paragraph (c) of this section.* *High-level personnel means individual(s) who have substantial control over the operating organization or who have a substantial role in the making of policy within the operating organization.* *Operating organization means the individual(s) or entity that operates a facility.*
483.85(b)	(b) General rule. Beginning on November 28, 2017, the operating organization for	3	**483.85(b)**	*(b) General rule. Beginning on November 28, 2019, the operating organization for each facility must have in*

	each facility must have in operation a compliance and ethics program (as defined in paragraph (a) of this section) that meets the requirements of this section.			*operation a compliance and ethics program (as defined in paragraph (a) of this section) that meets the requirements of this section.*
483.85(c)	(c) Required components for all facilities. The operating organization for each facility must develop, implement, and maintain an effective compliance and ethics program that contains, at a minimum, the following components:	3		
483.85(c)(1)	(1) Established written compliance and ethics standards, policies, and procedures to follow that are reasonably capable of reducing the prospect of criminal, civil, and administrative violations under the Act and promote quality of care, which include, but are not limited to, the designation of an appropriate compliance and ethics program contact to which individuals may report suspected violations, as well as an alternate method of reporting suspected violations anonymously without fear of retribution; and disciplinary standards that set out the consequences for committing violations for the operating organization's entire staff; individuals providing services under a contractual arrangement; and volunteers, consistent with the volunteers' expected roles.	3	**483.85(c)(1)**	*(1) Established written compliance and ethics standards, policies, and procedures to follow that are reasonably capable of reducing the prospect of criminal, civil, and administrative violations under the Act.*
483.85(c)(2)	(2) Assignment of specific individuals within the high-level personnel of the operating organization with the overall responsibility to oversee compliance with	3	**483.85(c)(2)**	*(2) Assignment of specific individuals within the high-level personnel of the operating organization with the overall responsibility to oversee compliance with the operating organization's compliance and ethics*

	the operating organization's compliance and ethics program's standards, policies, and procedures, such as, but not limited to, the chief executive officer (CEO), members of the board of directors, or directors of major divisions in the operating organization.			*program's standards, policies, and procedures.*
483.85(c)(3)	(3) Sufficient resources and authority to the specific individuals designated in paragraph (c)(2) of this section to reasonably assure compliance with such standards, policies, and procedures.	3		
483.85(c)(4)	(4) Due care not to delegate substantial discretionary authority to individuals who the operating organization knew, or should have known through the exercise of due diligence, had a propensity to engage in criminal, civil, and administrative violations under the Social Security Act.	3		
483.85(c)(5)	(5) The facility takes steps to effectively communicate the standards, policies, and procedures in the operating organization's compliance and ethics program to the operating organization's entire staff; individuals providing services under a contractual arrangement; and volunteers, consistent with the volunteers' expected roles. Requirements include, but are not limited to, mandatory participation in training as set forth at § 483.95(f) or orientation programs, or disseminating information that explains in a practical manner what is required under the program.	3		

483.85(c)(6)	(6) The facility takes reasonable steps to achieve compliance with the program's standards, policies, and procedures. Such steps include, but are not limited to, utilizing monitoring and auditing systems reasonably designed to detect criminal, civil, and administrative violations under the Act by any of the operating organization's staff, individuals providing services under a contractual arrangement, or volunteers, having in place and publicizing a reporting system whereby any of these individuals could report violations by others anonymously within the operating organization without fear of retribution, and having a process for ensuring the integrity of any reported data.	3	**483.85(c)(6)**	*(6) The facility takes reasonable steps to achieve compliance with the program's standards, policies, and procedures. Such steps include, but are not limited to, utilizing monitoring and auditing systems reasonably designed to detect criminal, civil, and administrative violations under the Act by any of the operating organization's staff, individuals providing services under a contractual arrangement, or volunteers, having in place and publicizing a reporting system whereby any of these individuals could report violations by others within the operating organization without fear of retribution.*
483.85(c)(7)	(7) Consistent enforcement of the operating organization's standards, policies, and procedures through appropriate disciplinary mechanisms, including, as appropriate, discipline of individuals responsible for the failure to detect and report a violation to the compliance and ethics program contact identified in the operating organization's compliance and ethics program.	3	**483.85(c)(7)**	*(7) Consistent enforcement of the operating organization's standards, policies, and procedures through appropriate disciplinary mechanisms, including, as appropriate, discipline of individuals responsible for the failure to detect and report a violation (statute says, ''offense'') to the compliance and ethics program contact identified in the operating organization's compliance and ethics program.*
483.85(c)(8)	(8) After a violation is detected, the operating organization must ensure that all reasonable steps identified in its program are taken to respond appropriately to the violation and to prevent further similar violations, including any necessary modification to the operating organization's program to	3		

	prevent and detect criminal, civil, and administrative violations under the Act.			
			483.85(c)(9)	**(9) The facility has an alternate method of reporting suspected violations anonymously.**
483.85(d)	(d) Additional required components for operating organizations with five or more facilities. In addition to all of the other requirements in paragraphs (a), (b), (c), and (e) of this section, operating organizations that operate five or more facilities must also include, at a minimum, the following components in their compliance and ethics program:	3	**483.85(d)**	*(d) Additional required components for operating organizations with five or more facilities. In addition to all of the other requirements in paragraphs (a), (b), (c), and (e) of this section, operating organizations that operate five or more facilities and facilities with corporate level management of multi-unit nursing home chains must comply with these additional requirements must:*
483.85(d)(1)	(1) A mandatory annual training program on the operating organization's compliance and ethics program that meets the requirements set forth in § 483.95(f).	3	**483.85(d)(1)**	*(1) Have a more formal program that includes established written policies defining the standards and procedures to be followed by its employees.*
483.85(d)(2)	(2) A designated compliance officer for whom the operating organization's compliance and ethics program is a major responsibility. This individual must report directly to the operating organization's governing body and not be subordinate to the general counsel, chief financial officer or chief operating officer.	3	**483.85(d)(2)**	*(2) Develop a compliance and ethics program that is appropriate for the complexity of the operating organization and its facilities.*
483.85(d)(3)	(3) Designated compliance liaisons located at each of the operating organization's facilities.	3	~~**483.85(d)(3)**~~	~~(3) Designated compliance liaisons located at each of the operating organization's facilities.~~
483.85(e)	(e) Annual review. The operating organization for each facility must review its compliance and ethics program annually and revise its program as needed to reflect changes in all applicable laws or regulations and within	3	**483.85(e)**	*(e) Program review. The operating organization for each facility must periodically review and revise its compliance program to identify necessary changes within the organization and its facilities.*

	the operating organization and its facilities to improve its performance in deterring, reducing, and detecting violations under the Act and in promoting quality of care.			
§483.90	**Physical environment.**	This section was implemented in Phase 1 with the following exceptions: §483.90(g)(1),* which will be implemented in Phase 3, and §483.90(i)(5),* which was implemented in Phase 2. Note: In the CMS crosswalk and implementation chart in the Federal Register and the CMS Survey and Certification Memo, S&C 17-07-NH, 11/9/16, these citations appear to be mistakenly listed as §483.90(f)(1) and §483.90(h)(5).		
483.90	The facility must be designed, constructed, equipped, and maintained	1		

	to protect the health and safety of residents, personnel and the public.			
483.90(a)	(a) Life safety from fire.	1		
483.90(a)(1)	(1) Except as otherwise provided in this section—	1		
483.90(a)(1)(i)	(i) The facility must meet the applicable provisions of the 2000 edition of the Life Safety Code of the National Fire Protection Association. The Director of the Office of the Federal Register has approved the NFPA 101 Ò 2000 edition of the Life Safety Code, issued January 14, 2000, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federallregister/ codeloflfederallregulations/ibrllocations.html. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the FEDERAL REGISTER to announce the changes.	1		
483.90(a)(1)(ii)	(ii) Chapter 19.3.6.3.2, exception number 2 of the adopted edition of the LSC does	1		

<table>
<tr><td></td><td>not apply to long-term care facilities.</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td></td><td>483.90(a)(1)(ii)</td><td>(iii) If a facility is Medicare- or Medicaid-certified before July 5, 2016 and the facility has previously used the Fire Safety Evaluation System for compliance, the facility may use the scoring values in table 1 to § 483.90(a)(1)(iii):

Table 1 to § 483.90(a)(1)(iii): Mandatory Values – Nursing Homes

<table>
<tr><td></td><td colspan="2">Containment (Sa)</td><td colspan="2">Extinguishment (Sb)</td><td colspan="2">People Movement (Sc)</td></tr>
<tr><td>Zone Location</td><td>New</td><td>Exist.</td><td>New</td><td>Exist.</td><td>New</td><td>Exist.</td></tr>
<tr><td>1st story</td><td>11</td><td>5</td><td>15 (12)*</td><td>4</td><td>8 (5)*</td><td>1</td></tr>
<tr><td>2nd or 3rd story</td><td>15</td><td>9</td><td>17 (14)*</td><td>6</td><td>10 (7)*</td><td>3</td></tr>
<tr><td>4th story or higher</td><td>18</td><td>9</td><td>19 (16)*</td><td>6</td><td>11 (8)*</td><td>3</td></tr>
</table>
*Use ( ) in zones that do not contain patient sleeping rooms.</td></tr>
<tr><td>483.90(a)(2)</td><td>(2) After consideration of State survey agency findings, CMS may waive specific provisions of the Life Safety code which, if rigidly applied, would result in unreasonable hardship upon the facility, but only if the waiver does not adversely affect the health and safety of the patients.</td><td>1</td><td></td><td></td></tr>
</table>

483.90(a)(3)	(3) The provisions of the Life safety Code do not apply in a State where CMS finds, in accordance with applicable provisions of sections 1819(d)(2)(B)(ii) and 1919(d)(2)(B)(ii) of the Act, that a fire and safety code imposed by State law adequately protects patients, residents and personnel in long term care facilities.	1		
483.90(a)(4)	(4) Beginning March 13, 2006, a long-term care facility must be in compliance with Chapter 19.2.9, Emergency Lighting.	1		
483.90(a)(5)	(5) Beginning March 13, 2006, Chapter 19.3.6.3.2, exception number 2 does not apply to long-term care facilities.	1		
483.90(a)(6)	(6) Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, a long-term care facility may install alcohol-based hand rub dispensers in its facility if—	1		
483.90(a)(6)(i)	(i) Use of alcohol-based hand rub dispensers does not conflict with any State or local codes that prohibit or otherwise restrict the placement of alcohol-based hand rub dispensers in health care facilities;	1		
483.90(a)(6)(ii)	(ii) The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;	1		
483.90(a)(6)(iii)	(iii) The dispensers are installed in a manner that adequately protects against inappropriate access;	1		
483.90(a)(6)(iv)	(iv) The dispensers are installed in accordance with chapter 18.3.2.7 or chapter 19.3.2.7 of the 2000 edition of	1		

	the Life Safety Code, as amended by NFPA Temporary Interim Amendment 00–1(101), issued by the Standards Council of the National Fire Protection Association on April 15, 2004. The Director of the Office of the Federal Register has approved NFPA Temporary Interim Amendment 00–1(101) for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the amendment is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD and at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269; and			
483.90(a)(6)(v)	(v) The dispensers are maintained in accordance with dispenser manufacturer guidelines.	1		
483.90(a)(7)	(7) A long term care facility must:	1		
483.90(a)(7)(i)	(i) Install, at least, battery-operated single station smoke alarms in accordance with the manufacturer's recommendations in resident sleeping rooms and common areas.	1		
483.90(a)(7)(ii)	(ii) Have a program for inspection, testing, maintenance, and battery replacement that conforms to the manufacturer's recommendations and that verifies correct operation of the smoke alarms.	1		

483.90(a)(7)(iii)	(iii) Exception:	1		
483.90(a)(7)(iii)(A)	(A) The facility has system-based smoke detectors in patient rooms and common areas that are installed, tested, and maintained in accordance with NFPA 72, National Fire Alarm Code, for system-based smoke detectors; or	1		
483.90(a)(7)(iii)(B)	(B) The facility is fully sprinklered in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems.	1		
483.90(a)(8)	(8) A long term care facility must:	1		
483.90(a)(8)(i)	(i) Install an approved, supervised automatic sprinkler system in accordance with the 1999 edition of NFPA 13, Standard for the Installation of Sprinkler Systems, as incorporated by reference, throughout the building by August 13, 2013. The Director of the Office of the Federal Register has approved the NFPA 13 1999 edition of the Standard for the Installation of Sprinkler Systems, issued July 22, 1999 for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federallregister / codeloflfederallregulations/ibrllocations. html. Copies may be obtained from the	1		

	National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.			
483.90(a)(8)(ii)	(ii) Test, inspect, and maintain an approved, supervised automatic sprinkler system in accordance with the 1998 edition of NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, as incorporated by reference. The Director of the Office of the Federal Register has approved the NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 1998 edition, issued January 16, 1998 for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federallregister/ codeloflfederallregulations/ibrllocations. html. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.	1		
483.90(b)	(b) Emergency power.	1		
483.90(b)(1)	(1) An emergency electrical power system must supply power adequate at least for lighting all entrances and exits; equipment to maintain the fire detection, alarm, and extinguishing systems; and life	1		

	support systems in the event the normal electrical supply is interrupted.			
483.90(b)(2)	(2) When life support systems are used, the facility must provide emergency electrical power with an emergency generator (as defined in NFPA 99, Health Care Facilities) that is located on the premises.	1		
483.90(c)	(c) Space and equipment. The facility must—	1	**483.90(d)**	*(d) Space and equipment. The facility must—*
483.90(c)(1)	(1) Provide sufficient space and equipment in dining, health services, recreation, living, and program areas to enable staff to provide residents with needed services as required by these standards and as identified in each resident's assessment and plan of care; and	1	**483.90(d)(1)**	*(1) Provide sufficient space and equipment in dining, health services, recreation, living, and program areas to enable staff to provide residents with needed services as required by these standards and as identified in each resident's assessment and plan of care; and*
483.90(c)(2)	(2) Maintain all mechanical, electrical, and patient care equipment in safe operating condition.	1	**483.90(d)(2)**	*(2) Maintain all mechanical, electrical, and patient care equipment in safe operating condition.*
483.90(c)(3)	(3) Conduct regular inspection of all bed frames, mattresses, and bed rails, if any, as part of a regular maintenance program to identify areas of possible entrapment. When bed rails and mattresses are used and purchased separately from the bed frame, the facility must ensure that the bed rails, mattress, and bed frame are compatible.	1	**483.90(d)(3)**	*(3) Conduct regular inspection of all bed frames, mattresses, and bed rails, if any, as part of a regular maintenance program to identify areas of possible entrapment. When bed rails and mattresses are used and purchased separately from the bed frame, the facility must ensure that the bed rails, mattress, and bed frame are compatible.*
483.90(d)* *The crosswalk cites 483.90(d), whereas the published revised	(d) Resident rooms. Resident rooms must be designed and equipped for adequate nursing care, comfort, and privacy of residents.	1		

regulations cite this section as 483.90(e). It is unclear which one is correct, so we have used the crosswalk citations.				
483.90(d)(1)	(1) Bedrooms must—	1		
483.90(d)(1)(i)	(i) Accommodate no more than four residents. For facilities that receive approval of construction or reconstruction plans by State and local authorities or are newly certified after November 28, 2016, bedrooms must accommodate no more than two residents.	1	**483.90(e)(1)(i)**	*(i) Accommodate no more than four residents. For facilities that receive approval of construction plans by state and local authorities or are newly certified and have never previously been a LTC facility, after November 28, 2016, bedrooms must accommodate no more than two residents.*
483.90(d)(1)(ii)	(ii) Measure at least 80 square feet per resident in multiple resident bedrooms, and at least 100 square feet in single resident rooms;	1		
483.90(d)(1)(iii)	(iii) Have direct access to an exit corridor;	1		
483.90(d)(1)(iv)	(iv) Be designed or equipped to assure full visual privacy for each resident;	1		
483.90(d)(1)(v)	(v) In facilities initially certified after March 31, 1992, except in private rooms, each bed must have ceiling suspended curtains, which extend around the bed to provide total visual privacy in combination with adjacent walls and curtains;	1		
483.90(d)(1)(vi)	(vi) Have at least one window to the outside; and	1		
483.90(d)(1)(vii)	(vii) Have a floor at or above grade level.	1		
483.90(d)(2)	(2) The facility must provide each	1		

	resident with—			
483.90(d)(2)(i)	(i) A separate bed of proper size and height for the safety and convenience of the resident;	1		
483.90(d)(2)(ii)	(ii) A clean, comfortable mattress;	1		
483.90(d)(2)(iii)	(iii) Bedding appropriate to the weather and climate; and	1		
483.90(d)(2)(iv)	(iv) Functional furniture appropriate to the resident's needs, and individual closet space in the resident's bedroom with clothes racks and shelves accessible to the resident.	1		
483.90(d)(3)	(3) CMS, or in the case of a nursing facility the survey agency, may permit variations in requirements specified in paragraphs (d)(1)(i) and (ii) of this section relating to rooms in individual cases when the facility demonstrates in writing that the variations—	1		
483.90(d)(3)(i)	(i) Are in accordance with the special needs of the residents; and	1		
483.90(d)(3)(ii)	(ii) Will not adversely affect residents' health and safety.	1		
483.90(e)* *The crosswalk cites 483.90(e), whereas the published revised regulations cite this section as 483.90(f). It is unclear which one is correct, so we have used the crosswalk	(e) Bathroom facilities. Each resident room must be equipped with or located near toilet and bathing facilities. For facilities that receive approval of construction from State and local authorities or are newly certified after November 28, 2016, each resident room must have its own bathroom equipped with at least a commode and sink.	1	**483.90(f)**	*(f) Bathroom facilities. Each resident room must be equipped with or located near toilet and bathing facilities. For facilities that receive approval of construction from state and local authorities or are newly certified and have never previously been a LTC facility, after November 28, 2016, each resident room must have its own bathroom equipped with at least a commode and sink.*

citations.				
483.90(f)* *The CMS crosswalk cites 483.90(f), whereas the published revised regulations cite this section as 483.90(g). It is unclear which one is correct, so we have used the crosswalk citations.	(f) Resident call system. The facility must be adequately equipped to allow residents to call for staff assistance through a communication system which relays the call directly to a staff member or to a centralized staff work area from—	1		
483.90(f)(1)	(1) Each resident's bedside; and	3		
483.90(f)(2)	(2) Toilet and bathing facilities.	1		
483.90(g)* *The CMS crosswalk cites 483.90(g), whereas the published revised regulations cite this section as 483.90(h). It is unclear which one is correct, so we have used the crosswalk citations.	(g) Dining and resident activities. The facility must provide one or more rooms designated for resident dining and activities. These rooms must—	1		
483.90(g)(2)	(2) Be well ventilated;	1		
483.90(g)(3)	(3) Be adequately furnished; and	1		
483.90(g)(4)	(4) Have sufficient space to accommodate all activities.	1		
483.90(h)* *The CMS	**(h) Other environmental conditions.**	1		

crosswalk cites 483.90(h), whereas the published revised regulations cite this section as 483.90(i). It is unclear which one is correct, so we have used the crosswalk citations.				
483.90(h)	The facility must provide a safe, functional, sanitary, and comfortable environment for the residents, staff and the public. The facility must—			
483.90(h)(1)	(1) Establish procedures to ensure that water is available to essential areas when there is a loss of normal water supply;	1		
483.90(h)(2)	(2) Have adequate outside ventilation by means of windows, or mechanical ventilation, or a combination of the two;	1		
483.90(h)(3)	(3) Equip corridors with firmly secured handrails on each side; and	1		
483.90(h)(4)	(4) Maintain an effective pest control program so that the facility is free of pests and rodents.	1		
483.90(h)(5)	(5) Establish policies, in accordance with applicable Federal, State, and local laws and regulations, regarding smoking, smoking areas, and smoking safety that also take into account non-smoking residents.	2		
§483.95	**Training requirements.**	This entire section will be		

		implemented in Phase 3, with the following exceptions: §483.95(c), §483.95(g)(1), §483.95(g)(2), §483.95(g)(4), and §483.95(h), which were implemented in Phase 1.		
483.95	A facility must develop, implement, and maintain an effective training program for all new and existing staff; individuals providing services under a contractual arrangement; and volunteers, consistent with their expected roles. A facility must determine the amount and types of training necessary based on a facility assessment as specified at § 483.70(e). Training topics must include but are not limited to—	3		
483.95(a)	(a) Communication. A facility must include effective communications as mandatory training for direct care staff.	3		
483.95(b)	(b) Resident's rights and facility responsibilities. A facility must ensure that staff members are educated on the rights of the resident and the responsibilities of a facility to properly care for its residents as set forth at § 483.10, respectively.	3		
483.95(c)	(c) Abuse, neglect, and exploitation. In addition to the freedom from abuse,	1		

	neglect, and exploitation requirements in § 483.12, facilities must also provide training to their staff that at a minimum educates staff on—			
483.95(c)(1)	(1) Activities that constitute abuse, neglect, exploitation, and misappropriation of resident property as set forth at § 483.12.	1		
483.95(c)(2)	(2) Procedures for reporting incidents of abuse, neglect, exploitation, or the misappropriation of resident property.	1		
483.95(c)(3)	(3) Dementia management and resident abuse prevention.	1		
483.95(d)	(d) Quality assurance and performance improvement. A facility must include as part of its QAPI program mandatory training that outlines and informs staff of the elements and goals of the facility's QAPI program as set forth at § 483.75.	3		
483.95(e)	(e) Infection control. A facility must include as part of its infection prevention and control program mandatory training that includes the written standards, policies, and procedures for the program as described at § 483.80(a)(2).	3		
483.95(f)	(f) Compliance and ethics. The operating organization for each facility must include as part of its compliance and ethics program, as set forth at § 483.85—	3	**483.95(f)**	*(f) Compliance and ethics. The operating organization for each facility must include as part of its compliance and ethics program, as set forth at § 483.85, an effective way to communicate that program's standards, policies, and procedures through a training program or in another practical manner which explains the requirements under the program.*
483.95(f)(1)	(1) An effective way to communicate that program's standards, policies, and procedures through a training program	3	~~**483.95(f)(1)**~~	~~(1) An effective way to communicate that program's standards, policies, and procedures through a training program or in another practical manner which explains~~

	or in another practical manner which explains the requirements under the program.			~~the requirements under the program.~~
483.95(f)(2)	(2) Annual training if the operating organization operates five or more facilities.	3	**~~483.95(f)(2)~~**	~~(2) Annual training if the operating organization operates five or more facilities.~~
483.95(g)	(g) Required in-service training for nurse aides. In-service training must—	1		
483.95(g)(1)	(1) Be sufficient to ensure the continuing competence of nurse aides, but must be no less than 12 hours per year.	1		
483.95(g)(2)	(2) Include dementia management training and resident abuse prevention training.	1		
483.95(g)(3)	(3) Address areas of weakness as determined in nurse aides' performance reviews and facility assessment at § 483.70(e) and may address the special needs of residents as determined by the facility staff.	3		
483.95(g)(4)	(4) For nurse aides providing services to individuals with cognitive impairments, also address the care of the cognitively impaired.	1		
483.95(h)	(h) Required training of feeding assistants. A facility must not use any individual working in the facility as a paid feeding assistant unless that individual has successfully completed a State-approved training program for feeding assistants, as specified in § 483.160.	1		
483.95(i)	(i) Behavioral health. A facility must provide behavioral health training consistent with the requirements at § 483.40 and as determined by the facility	3		

	assessment at § 483.70(e).			
PART 488 – SURVEY, CERTIFICATION AND ENFORCEMENT PROCEDURES				
488.331	**Informal Dispute Resolution**		**488.331**	**Informal Dispute Resolution**
488.331(a)(1)	(a) *Opportunity to refute survey findings.* (1) For non-Federal surveys, the State must offer a facility an informal opportunity, at the facility's request, to dispute survey findings upon the facility's receipt of the official statement of deficiencies.			
488.331(a)(2)	(2) For Federal surveys, CMS offers a facility an informal opportunity, at the facility's request, to dispute survey findings upon the facility's receipt of the official statement of deficiencies.			
488.331(a)(3)	(3) For SNFs, dually-participating SNF/NFs, and NF-only facilities that have civil money penalties imposed by CMS that will be placed in a CMS escrow account, CMS also offers the facility an opportunity for independent informal dispute resolution, subject to the terms of paragraphs (b), (c), and (d) of this section and of 488.431. The facility must request independent informal dispute resolution in writing within 10 days of receipt of CMS's offer. However, a facility may not sue the dispute resolution process at both 488.331 and 488.431 for the same deficiency citation arising from the same survey unless the informal dispute resolution process at 488.331 was completed prior to the imposition of			

	the civil money penalty.			
488.331(b)(1)	(b)(1) Failure of the State or CMS, as appropriate, to complete informal dispute resolution timely cannot delay the effective date of any enforcement action against the facility.		**488.331(b)(1)**	*(b)(1) Informal dispute resolution will be completed within 60 days of the facility's request to dispute the survey findings if the request by the facility is timely. Failure of the state or CMS, as appropriate to complete informal dispute resolution timely cannot delay the effective date of any enforcement action against the facility.*
488.331(b)(2)	(b)(2) A facility may not seek a delay of any enforcement action against it on the grounds that informal dispute resolution has not been completed before the effective date of the enforcement action.		**488.331(b)(2)**	*(b)(2) A facility may not seek a delay of any enforcement action against it on the grounds that informal dispute resolution has not been completed before the effective date of the enforcement action, except that the results of the survey will not be uploaded into the CMS nursing home survey and certification database and/or used for the purposes of the CMS "Nursing Home Compare" website to calculate the facility's 5-star rating until the informal dispute resolution or the independent informal dispute resolution process is complete.*
488.331(c)	(c) If a provider is subsequently successful, during the informal dispute resolution process, at demonstrating that deficiencies should not have been cited, the deficiencies are removed from the statement of deficiencies and any enforcement actions imposed solely as a result of those cited deficiencies are rescinded.			
488.331(d)	(d) *Notification*. Upon request, CMS does and the State must provide the facility with written notification of the informal dispute resolution process.			
488.431	**Civil Money Penalties Imposed by CMS and Independent Informal Dispute Resolution: for SNFs, dually –**			

	participating SNF/NFs, and NF-only facilities.			
488.431(a)	(a) *Opportunity for independent review.* CMS retains ultimate authority for the survey findings and imposition of civil money penalties, but provides an opportunity for independent informal dispute resolution within 30 days of notice of imposition of a civil money penalty that will be placed in escrow in accordance with paragraph (b) of this section. An independent informal dispute resolution will—			
488.431(a)(1)	(1) Be completed within 60 days of facility's request if an independent informal dispute resolution is timely requested by the facility.			
488.431(a)(2)	(2) Generate a written record prior to the collection of the penalty.			*(2) Generate a written record prior to the collection of the penalty. The state, or CMS, as applicable, will provide the facility with a written notification of the independent reviewer's recommendation and the final decision, including a rationale for that decision.*
488.431(a)(3)	(3) Include notification to an involved resident or resident representative, as well as the State's long term care ombudsman, to provide opportunity for written comment.			
488.431(a)(4)	(4) Be approved by CMS and conducted by the State under section 1864 of the Act, or by an entity approved by the State and CMS, or by CMS or its agent in the case of surveys conducted only by federal surveyors where the State independent dispute resolution process is not used, and which has no conflict of interest,			

	such as:			
488.431(a)(4)(i)	(i) A component of an umbrella State agency provided that the component is organizationally separate from the State survey agency.			*(i) A component of an umbrella State agency provided that the component is organizationally separate from the State survey agency and has a specific understanding of Medicare and Medicaid requirements*.
488.431(a)(4)(ii)	(ii) An independent entity with a specific understanding of Medicare and Medicaid program requirements selected by the State and approved by CMS.			
488.431(a)(5)	(5) Not include the survey findings that have already been the subject of an informal dispute resolution under §488.331 for the particular deficiency citations at issue in the independent process under §488.431, unless the informal dispute resolution under §488.331 was completed prior to the imposition of the civil money penalty.			
488.431(b)(1)	(b) *Collection and placement in escrow account.* (1) For both per day and per instance civil money penalties, CMS may collect and place the imposed civil money penalties in an escrow account on whichever of the following occurs first:			
488.431(b)(1)(i)	(i) The date on which the independent informal dispute resolution process is completed under paragraph (a) of this section.			
488.431(b)(1)(ii)	(ii) The date that is 90 days after the date of the notice of imposition of the penalty.			
488.431(b)(2)	(2) For collection and placement in escrow accounts of per day civil money penalties, CMS may collect the portion of the per day civil money penalty that has accrued up to the time of collection as			

	specified in paragraph (b)(1) of this section. CMS may make additional collections periodically until the full amount is collected, except that the full balance must be collected once the facility achieves substantial compliance or is terminated from the program and CMS determines the final amount of the civil money penalty imposed.			
488.431(b)(3)	(3) CMS may provide for an escrow payment schedule that differs from the collection times of paragraph (1) of this subsection in any case in which CMS determines that more time is necessary for deposit of the total civil money penalty into an escrow account, not to exceed 12 months, if CMS finds that immediate payment would create substantial and undue financial hardship on the facility.			
488.431(b)(4)	(4) If the full civil money penalty is not placed in an escrow account within 30 calendar days from the date the provider receives notice of collection, or within 30 calendar days of any due date established pursuant to a hardship finding under paragraph (b)(3), CMS may deduct the amount of the civil money penalty from any sum then or later owed by CMS or the State to the facility in accordance with §488.442(c).			
488.431(b)(5)	(5) For any civil money penalties that are not collected and placed into an escrow account under this section, CMS will collect such civil money penalties in the same manner as the State in accordance			

	with §488.432.			
488.431(c)	(c) *Maintenance of escrowed funds.* CMS will maintain collected civil money penalties in an escrow account pending the resolution of any administrative appeal of the deficiency findings that comprise the basis for the civil monetary penalty imposition. CMS will retain the escrowed funds on an on-going basis and, upon a final administrative decision, will either return applicable funds in accordance with paragraph (d)(2) of this section or, in the case of an unsuccessful administrative appeal, will periodically disburse the funds to States or other entities in accordance with §488.433.			
488.431(d)(1)	(d) *When a facility requests a hearing.* (1) A facility must request a hearing on the determination of the noncompliance that is the basis for imposition of the civil money penalty as specified in §498.40 of this chapter.			
488.431(d)(2)	(2) If the administrative law judge reverses deficiency findings that comprise the basis of a civil money penalty in whole or in part, the escrowed amounts continue to be held pending expiration of the time for CMS to appeal the decision or, where CMS does appeal, a Departmental Appeals Board decision affirming the reversal of the pertinent deficiency findings. Any collected civil money penalty amount owed to the facility based on a final administrative decision will be returned to the facility with applicable interest as specified in			

	section 1878(f)(2) of the Act.			
488.432	**Civil Money Penalties Imposed by the State: NF-only**			
488.432(a)(1)	(a) *When a facility requests a hearing.* (1) When the State imposes a civil money penalty against a non-State operated NF that is not subject to imposition of remedies by CMS, the facility must request a hearing on the determination of noncompliance that is the basis for imposition of the civil money penalty within the time specified in §431.153 of this chapter.			
488.432(a)(2)(i)	(2)(i) If a facility requests a hearing within the time frame specified in paragraph (a)(1) of this section, for a civil money penalty imposed per day, the State initiates collection of the penalty when there is a final administrative decision that upholds the State's determination of noncompliance after the facility achieves substantial compliance or is terminated.			
488.432(a)(2)(ii)	(ii) If a facility requests a hearing for a civil money penalty imposed per instance of noncompliance within the time specified in paragraph (a)(1) of this section, the State initiates collection of the penalty when there is a final administrative decision that upholds the State's determination of noncompliance.			
488.432(b)(1)	(b) When a facility does not request a hearing for a civil money penalty imposed per day. (1) If a facility does not request a hearing in accordance with			

	paragraph (a) of this section, the State initiates collection of the penalty when the facility—			
488.432(b)(1)(i)	(i) Achieves substantial compliance; or			
488.432(b)(1)(ii)	(ii) Is terminated.			
488.432(b)(2)	(2) *When a facility does not request a hearing for a civil money penalty imposed per instance of noncompliance.* If a facility does not request a hearing in accordance with paragraph (a) of this section, the State initiates collection of the penalty when the time frame for requesting a hearing expires.			
488.432(c)(1)	(c) When a facility waives a hearing. (1) If a facility waives, in writing, its right to a hearing as specified in §488.436, for a civil money penalty imposed per day, the State initiates collection of the penalty when the facility—			
488.432(c)(1)(i)-(ii)	(i) Achieves substantial compliance; or (ii) Is terminated.			
488.432(c)(2)	(2) If a facility waives, in writing, its right to a hearing as specified in §488.436, the State initiates collection of civil money penalty imposed per instance of noncompliance upon receipt of the facility's notification.		**488.432(c)(2)**	*(2) If a facility waives, in writing, its right to a hearing as specified in §488.436, the State initiates collection of civil money penalty imposed per instance of noncompliance after 60 days and the state has not received a timely request for a hearing.*
488.432(d)	(d) Accrual and computation of penalties for a facility that—			
488.432(d)(1)	(1) Requests a hearing or does not request a hearing are specified in §488.440;			
488.432(d)(2)	(2) Waives its right to a hearing in writing, are specified in §§488.436(b) and 488.440.			

488.436	**Civil Money Penalties: Waiver of hearing, reduction of penalty amount**			
488.436(a)	(a) *Waiver of a hearing.* The facility may waive the right to a hearing, in writing, within 60 days from the date of the notice imposing the civil money penalty.		**488.436(a)**	*(a) Constructive Waiver of a hearing. A facility is deemed to have waived its right to a hearing after 60 days if CMS has not received a request for a hearing from the facility.*
488.436(b)(1)	(b) *Reduction of penalty amount.* (1) If the facility waives its right to a hearing in accordance with the procedures specified in paragraph (a) of this section, CMS or the State reduces the civil money penalty by 35 percent, as long as the civil money penalty has not also been reduced by 50 percent under §488.438.			
488.436(b)(2)	(2) If the facility does not waive its right to a hearing in accordance with the procedures specified in paragraph (a) of this section, the civil money penalty is not reduced by 35 percent.			
488.442	**Civil Money Penalties: Due Date for Payment of Penalty**			
488.442(a)(1)	(a) *When payments are due for a civil money penalty.* (1) Payment for a civil money penalty is due in accordance with §488.431 of this chapter for CMS-imposed penalties and 15 days after the State initiates collection pursuant to §488.432 of this chapter for State-imposed penalties, except as provided in paragraphs (a)(2) and (3) of this section.			
488.442(a)(2)	(2) *After a request to waive a hearing or when a hearing was not requested.* Except as provided for in		**488.442(a)(2)**	*(2) After the facility waives its right to a hearing in accordance with 488.436(a). Except as provided for in §488.431, a civil money penalty is due 75 days after the*

	§488.431, a civil money penalty is due 15 days after receipt of a written request to waive a hearing in accordance with §488.436 or 15 days after the time period for requesting a hearing has expired and a hearing request was not received when:			*notice of the penalty and a hearing request was not received when:*
488.442(a)(2)(i)	(i) The facility achieved substantial compliance before the hearing request was due; or			
488.442(a)(2)(ii)	(ii) The effective date of termination occurs before the hearing request was due.			
488.442(a)(3)	(3) *After the effective date of termination.* A civil money penalty payment is due 15 days after the effective date of termination, if that date is earlier than the date specified in paragraph (a)(1)of this section.			
488.442(b)	[Reserved]			
488.442(c)	(c) *Deduction of penalty from amount owed.* The amount of the penalty, when determined, may be deducted from any sum then or later owing by CMS or the State to the facility.			
488.442(d)(1)	(d) *Interest*—(1) *Assessment.* Interest is assessed on the unpaid balance of the penalty, beginning on the due date.			
488.442(d)(2)	(2) *Medicare interest.* Medicare rate of interest is the higher of—			
488.442(d)(2)(i)	(i) The rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date of the notice of the penalty amount due (published quarterly			

	in the FEDERAL REGISTER by HHS under 45 CFR 30.13(a)); or			
488.442(d)(2)(ii)	(ii) The current value of funds (published annually in the FEDERAL REGISTER by the Secretary of the Treasury, subject to quarterly revisions).			
488.442(d)(3)	(3) *Medicaid interest.* The interest rate for Medicaid is determined by the State.			
488.442(e)	(e) *Penalties collected by CMS.* Civil money penalties and corresponding interest collected by CMS from—			
488.442(e)(1)	(1) Medicare-participating facilities are deposited and disbursed in accordance with §488.433; and			
488.442(e)(2)	(2) Medicaid-participating facilities are returned to the State.			
488.442(f)	(f) *Collection from dually participating facilities.* Civil money penalties collected from dually participating facilities are deposited and disbursed in accordance with §488.433 and returned to the State in proportion commensurate with the relative proportions of Medicare and Medicaid beds at the facility actually in use by residents covered by the respective programs on the date the civil money penalty begins to accrue.			
488.442(g)	(g) *Penalties collected by the State.* Civil money penalties collected by the State must be applied to the protection of the health or property of residents of facilities that the State or CMS finds noncompliant, such as—			
488.442(g)(1)	(1) Payment for the cost of relocating residents to other facilities;			

488.442(g)(2)	(2) State costs related to the operation of a facility pending correction of deficiencies or closure; and			
488.442(g)(3)	(3) Reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or by individuals used by the facility to provide services to residents.			