

PHASE II CHANGES IN THE LTC REGULATIONS

Effective November 28, 2017, significant revisions were implemented in the State Operations Manual (SOM) Appendix PP for Phase II of the new LTC survey process. In virtually all instances, the changes consisted of a re-ordering and re-numbering of the F-tags used to identify each regulatory part. In numerous instances, F tags were removed from one regulatory grouping (e.g., Administration) and inserted within an alternate grouping (e.g., Laboratory Services). In some instances, regulatory requirements were introduced into the SOM which had heretofore not existed. In several instances, entirely new regulatory groupings were introduced into the SOM (e.g., Behavioral Health Services). Previously, the SOM included a total of fifteen (15) such groupings; on November 28, 2017, the number of regulatory groupings expanded to twenty-one (21). Thus, the purpose of this article is to provide the reader with a brief overview of some of the revisions which occurred on November 28th. While the regulatory revisions are obviously accompanied by corresponding changes within the interpretive guidelines, the guideline changes will not be addressed in this article. The highlights of revision within the various groupings include the following:

- Resident Rights: This section of the regulations was previously grouped under 483.10 and designated as tags F151 through F177. However, on November 28, 2017, the above noted tags, along with F240 – F247, F252 – F258 (Quality of Life), and F280 (Resident Assessment) have been grouped under 482.10 and assigned tag numbers of F550 – F586.
- Freedom from Abuse, Neglect & Exploitation: F tags previously grouped under Resident Behavior and Facility Practice (483.13) have been grouped under 483.12 and assigned numbers F600 through F610. However, some of the changes involving F607 will not be implemented until Phase 3 (November 2018) of the new LTC survey process.
- Admission, Transfer & Discharge: This section of the regulations is currently grouped under 483.15 and designated as tags F201 - F208. When implemented on November 28th, those tags will be designated as tags F620 – 626.
- Resident Assessments: Requirements for resident assessments have always been grouped under 483.20 and assigned tags F271 through F287. With implementation on November 28th, these tags will remain grouped under 483.20, but assigned tag numbers F635 through F646.
- Comprehensive Resident Centered Care Plans: Previously, requirements for comprehensive care plans were incorporated with resident assessments under 483.20. Beginning November 28th, current tags F279 through F284 are being grouped under a new CFR (483.21) and assigned numbers F655 through F661 with one exception; current tag F282 has been modified and assigned tag F659, but will not be implemented until Phase 3 of the new survey process.

- Quality of Life: Quality of Life was previously grouped under 483.15. As of November 28th, Quality of Life has been grouped under 483.24 and reconfigured to include current tag F155 (CPR), F248 and F249 (Activities), F310 – F312 (ADLs), and portions of F309 (Quality of Care). All these tags have been reassigned numbers F675 through F680.
- Quality of Care: Far-ranging changes have occurred in the area of Quality of Care. Quality of Care will continue to be grouped under 483.25. However, on November 28th, a number of tags were removed from 483.25 and reassigned to other groups of the regulations. Current tags F309 – F328 will continue to be grouped under 483.25 but have been assigned new tags F684 – F700. Current tags which have been removed from Quality of Care for reassignment to other areas of the regulations included F310 – F312, F316, F319 and F320, F329, and F332 – F334.
- Physician Services: This section of the regulations was previously grouped under 483.40. On November 28th, tag numbers F385 through F390 were reconfigured, grouped under 483.30 and assigned tag numbers of F710 through F715.
- Nursing Services: Previously grouped under 482.30, Nursing Services included tag numbers F353 through F356. On November 28th, Nursing Services was regrouped under 483.35 and assigned tag numbers of F725 through F732. In addition, a host of tags were acquired from 483.75 (Administration) which addressed the use of nurse aides and incorporated into Nursing Services.
- Behavioral Health Services: On November 28th, a new category of regulations was introduced titled “Behavioral Health Services” which has been be grouped under 483.40. This new category incorporates F319 (Treatment/Services for Mental/Psychosocial Concerns), F320 (Behavioral Difficulties), and portions of F309(Treatment/Services for Dementia), all previously included under 483.25, and F250 (Medically-related Social Services), previously included under 483.15. Thus, this new category was assigned tag numbers of F740 through F745.
- Pharmacy Services: Previously grouped under 483.60, Pharmacy Services consisted of only three regulatory tags, F425, F428, and F431. As of November 28th, Pharmacy Services has been expanded to include three additional tags when tag F329 (Unnecessary Drugs) and tags F332 and F333 (Medication Errors) was removed from Quality of Care and incorporated into 483.45. Thus, Pharmacy Services now consists of tags F755 through F761.
- Laboratory Services: Previously included under 483.75 (Administration) as tag numbers F502 through F513, as of November 28th, Laboratory Services is being grouped under 483.50 and consists of new tags F770 through F779.
- Dental Services: Previously grouped under 483.55, Dental Services consisted of only two tags, F411 and F412. Beginning November 28th, Dental Services has been switched to 483.60 and assigned new tags of F790 and F791.

- Food and Nutritional Services: This section of the regulations was previously grouped under 483.35 as “Dietary Services” and consisted of tags F360 through F373. Beginning November 28th, this group of regulations has been designated as “Food and Nutritional Services” (483.60) and includes 15 tags consisting of new tags F800 through F814.
- Specialized Rehabilitation Services: This group of regulations previously resided under 483.45 and consisted of only two tags, F406 and F407. Beginning November 28th, this group has been included under 483.65 and consists of new tags F825 and F826.
- Administration: Of all the groupings of previous regulations, the greatest number of changes have occurred under “Administration”, which had been grouped under 483.75. Previously, the Administration regulations consisted of thirty-four tags, designated as F490 through F524. Beginning on November 28th, Administration has been grouped under 483.70. Twenty tags previously assigned to Administration have been removed from Administration and reassigned to various other regulatory groups. Additionally, new requirements related to Hospice Services and to Payroll Based Journal have been added to Administration as well as Social Worker Qualifications (formerly found under Quality of Life as F251). In addition, a new requirement regarding the Governing Body (F493) has been included under Administration, but will not be implemented until the Phase III process. In its entirety, the new Administration grouping will include new tags F835 through F851.
- Quality Assurance and Performance Improvement: The addition of several requirements related to Quality Assurance & Performance Improvement have been grouped under 483.75 and designated as tags F865 through F868. However, these tags will not be implemented until Phase III of the process.
- Infection Control: Previously, Infection Control existed as a single tag (F441) under 483.65. Beginning November 28th, Infection Control has been grouped under 483.80 in the form of four tags designated as F880 through F883. A notable addition to the area of Infection Control involves the subject of “Antibiotic Stewardship” included under F881. It is also notable that F882 addresses the qualifications/role of the “Infection Preventionist”; however, F882 will not be implemented until Phase III of the process.
- Compliance and Ethics Program: A new category titled “Compliance & Ethics Program” has been added and designated as 483.85, consisting of a single tag, F895. However, this requirement will not be implemented until Phase III of the process.
- Physical Environment: Previously grouped under 483.70, Physical Environment consisted of sixteen tags, F456 through F469. Beginning November 28th, Physical Environment has been grouped under 483.90 to include twenty-one tags consisting of F906 through F926. Of note is a new requirement relative to “resident call systems” (F919) which will not be implemented until Phase III of the process. In addition, a new requirement regarding “resident smoking policy” (F926) will be in place.

- Training Requirements: Finally, a new group of regulations titled “Training Requirements” (483.95) has been created to include tags F940 through F949. Tag F943 concerns training in resident abuse, neglect and exploitation which was formerly featured under F226. F947 addresses in-service training for nurse aides (previously found under F498), and F948 addresses training requirements for feeding assistants. All other tags related to training requirements (F940 – F942, F944 – F946, & F949) will not be implemented until Phase III of the process.

In conclusion, this summary represents the highlights of CMS’s most recent revision of the LTC regulations. Additional commentary on the regulatory changes as well as the accompanying interpretive guidelines should be reasonably expected within the near future.