



Reminder: Phase 2 of CMS's Revised Requirements for Long-Term Care Facilities Must Be Implemented by November 28, 2017

On October 4, 2016, the Centers for Medicare & Medicaid Services (CMS) issued a final rule (the "Final Rule") revising the Long-Term Care (LTC) conditions of participation (CoPs), marking the first comprehensive update since 1991. Implementation of the Final Rule is a three phase process that began with Phase 1 in **November 2016**. The deadline for implementing the requirements of Phase 2 is fast approaching on November 28, 2017. Accordingly, LTC facilities must act quickly to ensure they are in compliance with the Phase 2 requirements.

As a reminder, following is a brief overview of certain changes required as part of Phase 2:

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. As part of the assessment, facilities must address their resident population and determine the staff competencies/skill set requirements that are necessary to provide the level and types of care needed.

Care Planning

Facilities must develop a care plan for each resident within 48 hours of admission and a summary of the care plan must be provided to the resident or their representative. The care plan must include requisite instructions necessary to provide effective person-centered care that meets professional standards.

Resident Rights

Facilities must furnish residents with the contact information for all pertinent State regulatory and informational agencies and advocacy groups (e.g., the State Survey Agency, the State licensure office, the State Long-Term Care Ombudsman program, the Aging and Disability Resources Center and Medicaid Fraud Control Unit).

Behavioral Health

Any required and necessary behavioral health care and services must be provided to residents in accordance with their comprehensive assessment and plan of care (e.g., residents who demonstrate psychosocial adjustment difficulty or mental disorders). Facilities must also have sufficient direct care staff with appropriate competencies and skills to provide the required nursing and related services needed to care for residents with any identified behavioral health issues.

Dental Services

Facilities must have a policy identifying those instances when the loss or damage of dentures is the facility's responsibility. The facility may not charge a Medicare resident for the loss or damage of dentures if the loss or damage is determined to be the facility's responsibility, in accordance with its policy. Absent the existence of properly documented extenuating circumstances, all referrals for lost or damaged dentures must be made within 3 business days. In addition, upon request of the resident, facilities must arrange transportation to and from dental services locations.

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Infection Control

Facilities must develop an Infection Prevention and Infection Control Program that includes an Antibiotic Stewardship Program.

Smoking

Facilities must establish smoking policies (i.e. smoking areas, smoking safety) which are consistent with applicable Federal, State and local laws and regulations and take into account the needs of non-smoking residents.

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All LTC facilities are strongly encouraged to review the Final Rule requirements closely to ensure compliance with Phase 2 requirements by November 28, 2017. If you have any questions or require guidance or assistance with implementing any aspect of the Final Rule, please contact a [Garfunkel Wild attorney](#) at 516.393.2200.

About Garfunkel Wild, P.C.

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