

Center for Medicaid and State Operations

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DATE: **OCTOBER 10, 2002**

FROM: Director
 Survey and Certification Group, CMSO

 Acting Director
 Office of Clinical Standards and Quality

SUBJECT: BIPA 941 Nursing Home Requirement Effective January 1, 2003

TO: Associate Regional Administrator, DMSO
 State Survey Agency Directors

The purpose of this memorandum is to alert you to a requirement for skilled nursing facilities and nursing facilities.

Background

Section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) requires skilled nursing facilities and nursing facilities to post daily for each shift the number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. This information should be displayed in a clearly visible place. Additionally, BIPA 941 requires the Secretary of Health and Human Services to specify the “uniform manner” in which this information should be displayed.

What State Survey Agencies Need to Know

This information must include the actual number of licensed and unlicensed nursing staff directly responsible for the care of residents for that particular day on each shift. Licensed and unlicensed nursing staff includes: registered nurses, licensed practical nurses, and nurse aides. This information must be prominently displayed where residents, staff, and the public may view it. At this time, surveyors should only verify that the information is posted, not audit it as part of the survey. We will be developing further guidance that will specify the “uniform manner” in which this information should be displayed.

Effective Date

The effective date for this requirement is January 1, 2003.

Training

This policy should be shared with all survey and certification staff, their managers and the State/Regional Office training coordinator.

/s/
Steven A. Pelovitz

/s/
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