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National Provider Call

Proposed Reform of Requirements for Long-Term Care Facilities

Clinical Standards Group Long-Term Care Team

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Agenda

- Background
- Submitting comments
- Overarching themes & highlights of the proposed rule
- Questions
- Reminder

Background

- The requirements for Long-Term Care (LTC) Facilities are the health and safety standards that LTC facilities must meet in order to participate in the Medicare or Medicaid Programs.
- The current requirements are found at 42 CFR 483 Subpart B.
- These requirements have not been comprehensively updated since 1991 despite significant changes in the industry.
- The proposed revisions reflect advances in the theory and practice of service delivery and safety, and implement sections of the Affordable Care Act (ACA).
- We are presenting “Highlights,” not an exhaustive list of changes.
- The proposed rule includes a crosswalk to help readers find where existing provisions have been incorporated.

How to Submit Comments

- The proposed rule, CMS 3260-P Reform of Requirements for Long-Term Care Facilities, was published in the Federal Register on July 16, 2015.
- To view the proposed rule, please visit:
<http://www.gpo.gov/fdsys/pkg/FR-2015-07-16/pdf/2015-17207.pdf>.
- Anyone can submit a comment on the proposed rule.
- To submit a comment, visit www.regulations.gov, enter the file code CMS–3260–P and click on “Submit a Comment.”
- The comment period closes at 5pm on September 14, 2015.
- For additional information on these and other Conditions of Participation, visit http://www.cms.gov/Regulations-and-Guidance/Legislation/CFCsAndCoPs/index.html?redirect=/CfCsAndCoPs/16_ASC.asp.

Themes of the Rule

- Person-Centered Care
- Quality
- Facility Assessment, Competency-Based Approach
- Alignment with HHS priorities
- Comprehensive Review and Modernization
- Implementation of Legislation

Person-Centered Care

Residents and Representatives: Informed, Involved and In Control.

- Existing protections maintained
- Choices
- Care & Discharge Planning

Quality

Quality of Care and Quality of Life--overarching principles for every service.

- Quality of Life and Quality of Care
 - Additional special care issues: restraints, pain management, bowel incontinence, dialysis services, and trauma-informed care.
- Quality Assurance and Performance Improvement
 - Based on the pilot
 - Resources available
 - <http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/QAPI/nhqapi.html>.

Facility Assessment and Competency-Based Approach

Facilities need to know themselves, their staff, and their residents.

- Not a one-size fits all approach.
- Accounts for and allows for diversity in populations and facilities.
- Focus on each resident achieving their highest practicable physical, mental, and psychosocial well-being.

Align with Current HHS Initiatives

Advancing cross-cutting priorities

- Reducing unnecessary hospital readmissions,
- Reducing the incidences of healthcare acquired infections,
- Improving behavioral healthcare, and
- Safeguarding nursing home residents from the use of unnecessary psychotropic (antipsychotic) medications.

Comprehensive Review and Modernization

Bringing it into the twenty-first century

- Reorganized
- Updated
- Consistent with current health and safety knowledge
 - Revised care and discharge planning requirements.
 - Current infection control standards, including antibiotic stewardship.
 - Updated special care issues like pain management and dialysis.
 - Allow professionals to practice to their full scope of practice where possible.

Implementation of Legislation

It's the law

- Section 6102(b) of ACA, compliance and ethics program.
- Section 6102(c) of ACA, quality assurance and performance improvement program (QAPI).
- Section 6703(b)(3) of the ACA (Section 1150B of the Act), requirements for reporting to law enforcement suspicion of crimes.
- Section 6121 of ACA, dementia and abuse training.
- Section 2 of the IMPACT Act (adds 1899B to the Act), discharge planning requirements for SNFs.

Reminder

- The proposed rule published in the Federal Register on July, 16, 2015.
- The comment period closes on September 14, 2015 at 5 p.m.
- Submit your comments on the proposed rule at <http://www.regulations.gov> and follow the “Submit a comment” instructions.
- We will respond to timely comments submitted according to the instructions in the proposed rule when we publish a final rule.

Resources

- For more information on conditions for participation in general, please visit the Conditions for [Coverage \(CfCs\) & Conditions of Participations \(CoPs\)](#) webpage.
- For more information on the existing requirements for long-term care, please visit the [long-term care facilities](#) webpage.

Question & Answer Session

Acronyms in this Presentation

- ACA—Affordable Care Act
- EHR—Electronic Health Record
- LTC—Long term care
- NF—Nursing Facility
- QAPI—Quality Assurance Performance Improvement
- SNF—Skilled Nursing Facility

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