



Requirements of Participation - Phase 1

Admission Updates Guide

This Requirements of Participation Admission Updates Guide provides a brief informational overview of the revisions to the Nursing Home Requirements of Participation (RoPs) that may apply to a SNF's admission materials. Since every admission packet includes different provisions, this guide cannot be used as the sole method to analyze the legality of a SNF's admission materials. Instead, this guide may act as a starting point to determine whether admission materials should be analyzed, revised and/or replaced. As always, SNFs should talk to legal counsel prior to adopting any changes to their admission material based on revisions to the law. The receipt of this informational update does not establish an attorney-client relationship with Rolf Goffman Martin Lang LLP.

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Section	Requirement	Necessary Action
<u>42 CFR 483.15(a)(1)</u>	A facility must establish and implement an admissions policy.	<input type="checkbox"/> Establish and implement an admissions policy.
<u>42 CFR 483.15(a)(2)(iii)</u>	A facility is prohibited from requesting or requiring residents to waive potential facility liability for losses of personal property.	<input type="checkbox"/> Ensure admission materials do not require the resident to be responsible for the loss or damage of property, which is the facility's responsibility.
<u>42 CFR 483.55(a)(3)</u>	A facility must not charge a resident for the loss or damages of dentures determined in accordance with facility policy to be the facility's responsibility.	<input type="checkbox"/> Establish and implement a policy identifying those circumstances when the loss or damage of dentures is the facility's responsibility.
<u>42 CFR 483.10(f)(10)(i)</u>	A facility must act as a fiduciary of the resident's funds.	<input type="checkbox"/> Revise resident personal funds authorization. <input type="checkbox"/> Revise resident personal funds policies.
<u>42 CFR 483.10(f)(10)(ii)</u>	A facility must deposit a resident's personal funds totaling more than \$100 in an interest-bearing account, with special rules for Medicaid patients.	<input type="checkbox"/> Revise resident personal funds authorization. <input type="checkbox"/> Revise resident personal funds policies.

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<u>42 CFR 483.10(e)(11)(ii)</u>	A facility can charge to the resident's personal fund a cellular phone, as well as specially prepared or alternative food, unless the facility is otherwise required to provide the specially prepared or alternative food pursuant to 42 CFR 483.10(e)(11)(ii)(L)(1) and (2).	<input type="checkbox"/> Revise resident personal funds authorization. <input type="checkbox"/> Revise resident personal funds policies.
<u>42 CFR 483.15(d)(1)(i) and (ii)</u>	A facility must designate in the resident's bed hold notice upon admission, both the duration of the state bed-hold policy and the reserve bed payment policy in the state plan, if any.	<input type="checkbox"/> Revise bed hold authorization. <input type="checkbox"/> Revise bed hold policies.
<u>42 CFR 483.15(e)(1)(ii)</u>	If a facility 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 that section as they apply to discharge.	<input type="checkbox"/> Revise bed hold authorization. <input type="checkbox"/> Revise bed hold policies.
<u>42 CFR 483.10</u>	A facility must provide residents a copy of the resident rights, which were revised significantly by the new requirements of participation.	<input type="checkbox"/> Revise resident rights handout.
<u>42 CFR 483.10(g)(4)</u>	A facility must respect a resident's right to receive notices orally, in writing, in Braille, or in another format or language he or she understand.	<input type="checkbox"/> Be prepared to provide resident notices in other formats when requested.
<u>42 CFR 483.10(g)(18)(ii)</u>	A facility must notify a resident 60 days prior to implementation of a change in charges for items and services that the facility offers.	<input type="checkbox"/> Revise admission agreement and/or resident handbook.

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<u>42 CFR 483.70(f)(3)</u>	A facility must provide meals and snacks to residents at non-traditional times or outside of scheduled meal service times, consistent with the resident plan of care. The facility must also consider any ethnic, cultural or religious factors in food and nutrition services.	<input type="checkbox"/> Revise admission agreement and/or resident handbook.
<u>42 CFR 483.10(f)(1)</u>	A facility must provide the resident a right to choose his or her schedule (including sleeping and waking times).	<input type="checkbox"/> Revise admission agreement and/or resident handbook.
<u>42 CFR 483.15(a)(6)</u>	A facility must disclose and provide to a resident or potential resident prior to the time of admission, notice of specific characteristics or service limitations of the facility.	<input type="checkbox"/> Revise admission agreement and/or resident handbook.
<u>42 CFR 483.10(j)(3)</u>	A facility must make information on how to file a grievance or complaint available to the resident.	<input type="checkbox"/> Revise admission agreement and/or resident handbook. <input type="checkbox"/> Revise grievance policies.
<u>42 CFR 483.10(j)(4)(i)</u>	A facility must provide a resident with the contact information of the grievance official with whom a grievance can be filed, his or her name, business address (mailing and email) and business phone number.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise grievance policies.
<u>42 CFR 483.10(j)(4)(i)</u>	A facility must provide residents the right to file grievances orally (meaning spoken).	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly.

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		<input type="checkbox"/> Revise grievance policies.
<u>42 CFR 483.10(j)(4)(i)</u>	A facility must give the resident the right to file grievances anonymously.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise grievance policies.
<u>42 CFR 483.10(j)(4)(i)</u>	A facility's grievance policy must set forth the reasonable expected time frame for completing the review of the grievance.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise grievance policies.
<u>42 CFR 483.10(j)(4)(v)</u>	A facility's written grievance decision must 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 concerns, 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 decisions was issued.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise grievance policies. <input type="checkbox"/> Revise written grievance decision template.
<u>42 CFR 483.10(j)(4)(i)</u>	A facility must give its residents 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.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise grievance policies.

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<u>42 CFR 483.90(h)(5)</u>	A facility must 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.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Establish and/or revise smoking policies.
<u>42 CFR 483.10(g)(7)(ii)</u>	A facility must provide reasonable access to the internet, to the extent available to the facility. Residents have the right to reasonable access to privacy in their use of electronic communications such as email and video communications and for internet research.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Establish internet use and access policies.
<u>42 CFR 483.10(f)(4)(v)</u>	A facility must have written policies and procedures regarding the visitation rights of residents, including those setting forth any clinically necessary or reasonable restriction or limitation or safety restriction or limitation, when such limitations may apply constituent 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.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise visitation policies.
<u>42 CFR 483.10(f)(4)(vi)(B)</u>	A facility must inform each resident of the right, subject to his or her consent, to receive visitors who 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 friend, and his or her right to withdraw or deny such consent at any time.	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise visitation policies.

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<u>42 CFR 483.15(c)(1)(i)(E)</u>	A facility can discharge a resident for nonpayment if the resident did 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	<input type="checkbox"/> Revise admission agreement/resident handbook accordingly. <input type="checkbox"/> Revise discharge policies.
<u>42 CFR 483.15(c)(3)(i)</u>	A facility must send a copy of the notice of transfer or discharge to a representative of the Office of the State Long-Term Care Ombudsman.	<input type="checkbox"/> Revise notice of transfer or discharge template. <input type="checkbox"/> Revise transfer and discharge policies.
<u>42 CFR 483.15(c)(5)</u>	A facility's notice of transfer and discharge must include the name, address (including email) and telephone number of the entity which receives appeal requests and the information on how to obtain an appeal form and assistance in completing the form and submitting the appeal hearing request.	<input type="checkbox"/> Revise notice of transfer or discharge template. <input type="checkbox"/> Revise transfer and discharge policies.
<u>42 CFR 483.15(c)(5)(v)</u>	A facility's notice of transfer and discharge must include the email address of the office of the State Long-Term Care Ombudsmen.	<input type="checkbox"/> Revise notice of transfer or discharge template. <input type="checkbox"/> Revise transfer and discharge policies.

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<u>42 CFR 483.15(c)(5)(vi)</u>	If a resident suffers from a mental disorder or related disability, a facility's notice of transfer and discharge must include the email address for the agency responsible for the protection and advocacy of individuals with developmental disabilities.	<input type="checkbox"/> Revise notice of transfer or discharge template. <input type="checkbox"/> Revise transfer and discharge policies.
<u>42 CFR 483.15(c)(6)</u>	If the information in a facility's notice of transfer or discharge 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.	<input type="checkbox"/> Revise notice of transfer or discharge template. <input type="checkbox"/> Revise transfer and discharge policies.
<u>42 CFR 483.10(e)(7)</u>	A facility must provide the resident written notice before a room change and that the resident has the right to refuse a transfer solely for the convenience of staff are new.	<input type="checkbox"/> Revise admission agreement/resident handbook. <input type="checkbox"/> Revise room change policies.
<u>42 CFR 483.10(e)(6)</u>	A facility must provide a resident written notice, including the reason for the change, before the resident's roommate is changed.	<input type="checkbox"/> Revise admission agreement/resident handbook. <input type="checkbox"/> Revise room change policies.

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<u>42 CFR 483.10(f)(5)(i)</u>	A facility must inform residents of upcoming resident or family group meetings.	<input type="checkbox"/> Revise resident handbook. <input type="checkbox"/> Revise group meeting policies.
<u>42 CFR 483.10(g)(i)(C)</u>	<p>A facility must provide residents a list of names, addresses (mailing and email), and telephone numbers of all pertinent State regulatory and informational agencies, resident advocacy groups including 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.</p> <p>42 CFR 483.10(g)(iv) also requires facilities to provide contact information for the aging and disability resource centers (established under section 202(a)(20)(B)(iii) of the Older Americans Act) or other No Wrong Door Program.</p> <p>42 CFR 483.10(j)(4)(i) requires residents to receive contact information for the Quality Improvement Organization.</p>	<input type="checkbox"/> Revise admission agreement/resident handbook.
<u>42 CFR 483.70(c)</u>	A facility must comply with the applicable provisions of other HHS regulations, which includes section 1557 of the ACA.	<input type="checkbox"/> Revise admission materials to include revised nondiscrimination and accessibility notice, as well as the 15 non-English taglines.

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<u>42 CFR 483.70(n)</u>	A facility must not enter into pre-dispute arbitration agreements with any resident or resident's representative.	<input type="checkbox"/> Remove arbitration agreements from admission materials. [NOTE: Arbitration agreements may be retained in admission materials temporarily because on November 7, 2016, the United States District Court for the Northern District of Mississippi issued an order preliminarily enjoining CMS from enforcing the arbitration prohibition. Thus, a facility can now include an arbitration agreement as part of its facility's admission packets. If a facility chooses to do so, a facility should be careful to monitor for changes to this rule. That is, since the court only issued a

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		preliminary injunction, depending upon the outcome of the litigation, the rule prohibiting arbitration could still go in effect, but at a later date.]
42 CFR 483.15(a)(3)	A 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.	<input type="checkbox"/> Remove any third party guarantees from the facility's admission material (unless contrary guidance provided).