



FACT SHEET

June 29, 2022

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Updated Guidance for Nursing Home Resident Health and Safety

Overview of New and Updated Guidance

To further support the implementation of the Long-Term Care (LTC) Facilities Requirements for Participation, which were published in 2016, CMS is issuing surveyor guidance which clarifies specific regulatory requirements and provides information on how compliance will be assessed. In addition, CMS is revising its guidance to State agencies, to strengthen the management of complaints and facility reported incidents.

Today's updates to guidance are just one piece of CMS's ongoing effort to implement President Joe Biden's vision to protect seniors by improving the safety and quality of our nation's nursing homes, as outlined in a [fact sheet](#) released prior to his first State of the Union Address in March 2022.

Summary of Significant Changes

Topic	Summary
Abuse and Neglect	<ul style="list-style-type: none">Clarifies compliance, abuse reporting, including sample reporting templates, and provides examples of abuse that, because of the action itself, would be assigned to certain severity levels.
Admission, Transfer, and Discharge:	<ul style="list-style-type: none">Clarifies requirements related to facility-initiated discharges.
Mental Health/Substance Use Disorder (SUD):	<ul style="list-style-type: none">Addresses rights and behavioral health services for individuals with mental health needs and SUDs.
Nurse Staffing (Payroll-Based Journal):	<ul style="list-style-type: none">Uses payroll-based staffing data to trigger deeper investigations of sufficient staffing and added examples of noncompliance.

Resident Rights:	<ul style="list-style-type: none"> Imports guidance related to visitation from memos issued related to COVID-19, and makes changes for additional clarity and technical corrections.
Potential Inaccurate Diagnosis and/or Assessment	<ul style="list-style-type: none"> Addresses situations where practitioners or facilities may have inaccurately diagnosed/coded a resident with schizophrenia in the resident assessment instrument.
Pharmacy:	<ul style="list-style-type: none"> Addresses unnecessary use of non-psychotropic drugs in addition to antipsychotics, and gradual dose reduction.
Infection Control:	<ul style="list-style-type: none"> Requires facilities have a part-time Infection Preventionist. While the requirement is to have <u>at least</u> a part-time IP, the IP must meet the needs of the facility. The IP must physically work onsite and cannot be an off-site consultant or work at a separate location. IP role is critical to mitigating infectious diseases through an effective infection prevention and control program. IP specialized Training is required and available.
Arbitration:	<ul style="list-style-type: none"> Clarifies existing requirements for compliance when arbitration agreements are used by nursing homes to settle disputes.
Psychosocial Outcome Severity Guide	<ul style="list-style-type: none"> Clarifies the application of the “reasonable person concept” and severity levels for deficiencies.
State Operations Manual Chapter 5	<ul style="list-style-type: none"> Clarifies timeliness of state investigations, and communication to complainants to improve consistency across states.

Phase 3 requirements such as Trauma Informed Care, Compliance and Ethics, and Quality Assurance Performance Improvement (QAPI) as well as the clarifications of Quality of Life and Quality of Care, Food and Nutrition Services, and Physical Environment are also included in this guidance. Also, CMS memorandum QSO-22-19-NH included recommendations related to resident room capacity. There are no new regulations related to resident room capacity. However, CMS is highlighting the benefits of reducing the number of residents in each room given the lessons learned during the COVID-19 pandemic for preventing infections and the importance of residents’ rights to privacy and homelike environment.

Training Resources

On June 29, 2022, CMS will provide training in the Quality, Safety, and Education Portal (QSEP) (<https://qsep.cms.gov/welcome.aspx>) for surveyors and nursing home stakeholders to explain the updates and changes of the regulations and interpretive guidance. Training on the updated software will be forthcoming in QSEP in early September, 2022.

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