



# bodman Health Care Client Alert

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## CMS Updates Requirements for Long-Term Care Facilities

On September 28, the Centers for Medicare and Medicaid Services (CMS) issued a final rule revising the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs. Entities should begin taking implementation steps immediately.

CMS describes the rules, “as a major step forward to improve the care and safety of the nearly 1.5 million residents in the more than 15,000 long-term care facilities that participate in the Medicare and Medicaid programs.”

The final regulations will be phased in over a three-phase period, with the first phase becoming effective on November 28, 2016, the second phase becoming effective one year later, and the final phase becoming effective three years later (November 28, 2019).

Here are some notable provisions:

- Facilities cannot enter into an agreement for binding arbitration with a resident or their representative until after a dispute arises between the parties (prohibition of pre-dispute binding arbitration agreements).
- Facilities cannot employ individuals who have had a disciplinary action taken against their professional license by a state licensure body as a result of a finding of abuse, neglect, mistreatment of residents or misappropriation of their property.
- CMS is requiring facilities to develop and implement a baseline care plan for each resident, within 48 hours of their admission, which includes the instructions needed to provide effective and person-centered care that meets professional standards of quality care.
- A nurse aide and a member of the food and nutrition services staff are being added to the required members of the interdisciplinary team that develops the comprehensive care plan.
- CMS is adding a new section that sets forth all the requirements of an effective training program that facilities must develop, implement, and maintain for all new and existing staff, individuals providing services under a contractual arrangement, and volunteers, consistent with their expected roles.

Bodman attorneys can provide guidance on the new CMS regulations and other health care and business matters. We can help develop policies and agreements that meet your organization's needs and provide

practical advice. To start a discussion, contact Health Care Practice Chair E. William S. (Bill) Shipman, client alert author Brandon M. Dalziel, or your go-to Bodman attorney.

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