

Part B Insider (Multispecialty) Coding Alert

Physician Notes: CMS Has Released Its First Major Overhaul of Nursing Home Regulations Since 1991

CMS proposed the updates in July 2015 and received nearly 10,000 public comments, **Andy Slavitt**, CMS acting administrator noted in a blog post (<https://blog.cms.gov/2016/09/28/commitment-to-person-centered-care-for-long-term-care-facility-residents/>). The final rule was published in the Federal Register on October 4, and Phase I regulations take effect by November 28, 2016.

The final rule guarantees the rights of patients or families to sue long-term care facilities because it bans "predispute binding arbitration" clauses in nursing home contracts. During the comment period, industry groups like the American Health Care Association said they opposed this ban. Many elder care attorneys and consumer groups support the ban.

Other regulations in the 713-page rule say that long-term care facilities must:

- Provide "nourishing, palatable food" to residents.
- Develop a care plan within 48 hours of a resident's admission.
- Develop "infection prevention and control programs" that include monitoring antibiotic use.
- Ensure that staff are trained on caring for residents with dementia and in preventing elder abuse.

To read the final rule, go to:

<https://www.federalregister.gov/documents/2016/10/04/2016-23503/medicare-and-medicaid-programs-reform-of-requirements-for-long-term-care-facilities>.