

PUBLICATION

Requirements for Participation Guidance for LTC Surveyors Published

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The State Operations Manual Guidance for Long Term Care Surveyors (Appendix PP), effective November 28, 2017, has undergone substantial revision. As a result of regulatory changes, the F-tags for surveys have been renumbered. The Appendix is now 696 pages.

The Guidance details the care and service requirements and prohibitions, and it provides extensive examples on the severity of non-compliance with regulatory requirements, including what deficiencies will result in immediate jeopardy tags.

The Guidance now consolidates the many new regulatory changes made since the Affordable Care Act, stressing resident rights and patient-centered care based on critical element pathway criteria. It focuses on staff training and accountability and the need to address both the physical, mental, and psychosocial well-being of the resident. Resident care policies should be a collaborative effort between the facility and the medical director, consistent with current professional standards of practice for pain management and symptom control, and for assessing physical, intellectual, spiritual, emotional and social needs of the resident. Inadequate discharge plans will also give rise to deficiency tags.

The Guidance considers cumulative individual failures to care and services to rise to the level of resident abuse or neglect, giving numerous concrete examples. The Guidance stresses the investigative process for verbal, mental, and physical abuse; neglect; corporal punishment; sexual abuse; reporting of reasonable suspicion of a crime; misappropriation of resident property and exploitation; and for cases of involuntary seclusion. The process to review concerns is outlined in the Abuse Critical Element Pathway. For purposes of the survey guidance, "staff" includes employees, the medical director, consultants, contractors, and volunteers. Staff would also include caregivers who provide care and services to residents on behalf of the facility, students in the facility's nurse aide training program, and students from affiliated academic institutions, including therapy, social, and activity programs.

Emphasis is placed on an interdisciplinary and coordinated approach to care. The Resident Care Plan should be comprehensive and well documented. Resident choice is critical not only in care, but in service and physical accommodations. Resident assessment and reassessment is essential for meeting care standards, and resident safety and privacy rights are reemphasized. The use of restraints and the physical risks and psychosocial impact are the subject of extensive guidance. Resident transfer within and out of the facility is the subject of increased scrutiny. Staffing should be appropriate to optimize resident well-being and care and to assure that resident needs are met. Staff competencies, skill sets and cultural competencies are important for both care and identifying and addressing changes in resident status. Medication and medication management is the subject of extensive survey review.

Long term care facilities should conduct comprehensive compliance and documentation education for staff to prevent survey deficiencies.

For information about this Guidance or other matters, please contact Danielle Trostroff or a member of Baker Donelson's Long Term Care Team.

