



Center for Clinical Standards and Quality/Survey & Certification Group

Ref: S&C 17-07-NH

DATE: November 09, 2016

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Advance Copy - Revisions to State Operations Manual (SOM), Appendix PP-
Revised Regulations and Tags

Memorandum Summary

- **Revised Regulations:** On September 28, 2016, the Centers for Medicare & Medicaid Services (CMS) released revised Requirements for Participation for Medicare and Medicaid-certified nursing facilities. Most regulations groups were re-designated and have new numbers.
- **Advance Copy - Revisions to SOM Appendix PP:** CMS has incorporated revised regulation text into the SOM Appendix PP. The regulation text is effective November 28, 2016; the Interpretive Guidance has not been updated. **Interpretive guidance will be revised at a later date.**
- **Revised F-Tags:** The current F-Tags have been revised to include the requirements and regulation text as is presented in the final rule.

Background

Consolidated Medicare and Medicaid requirements for participation (requirements) for Long Term Care (LTC) facilities (42 CFR part 483, subpart B) were first published in the Federal Register on February 2, 1989 (54 FR 5316). These regulations have been revised and added to since that time, principally as a result of legislation or a need to address a specific issue. However, they have not been comprehensively reviewed and updated since 1991 (56 FR 48826, September 26, 1991), despite substantial changes in service delivery in this setting.

Since the current requirements were developed, significant innovations in resident care and quality assessment practices have emerged. In addition, the population of nursing facilities has changed, and has become more diverse and more clinically complex.

Regulations

Most regulatory sections have been revised and re-designated per the final rule. Table 1: Title 42 Cross-Reference to Part 483 Subpart B in the final rule lists the previous and new regulation

groups and the changes made. The final rule also stipulated that regulations will be effective through three different phases from November 28, 2016 through November 28, 2019. The phases and their effective dates are as follows:

- Phase 1 – November 28, 2016
- Phase 2 – November 28, 2017
- Phase 3 – November 29, 2019

A link to the final rule is below.

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

Appendix PP

The Advanced Copy of Appendix PP has been updated to include the revised regulatory requirements that were released in the final rule. **This version of Appendix PP is effective November 28, 2016.** This Advanced Copy of Appendix PP must be used for surveys occurring on and after November 28, 2016. CMS will be issuing a subsequent version of Appendix PP with updated Interpretive Guidance and a re-ordering of F-Tags at a future date. **Only Phase 1 regulatory text is effective in this version of Appendix PP.** We have included Phase 2 and Phase 3 language, but have distinguished these provisions within Appendix PP and have listed their effective dates.

F-Tags

In addition to the advance copy of Appendix PP, there are two other documents surveyors can use to become familiar with the revisions made to the current F-Tags.

- Regulation Text by Current Tag Order
 - This document lists all current F-Tags and corresponding regulation text. New regulation language is identified in red, italicized text. Please note that most F-Tags have new regulatory requirements incorporated.
- F-Tag Job Aide
 - This document lists all current F-Tags, their corresponding regulatory section(s), and subparts. The intent of the job aide is to inform surveyors of what has been added into the Automated Survey Processing Environment (ASPEN) system used by surveyors. For example, the advance copy of Appendix PP includes regulation text for Phases 1-3, whereas ASPEN will include regulation text only for Phase 1.

Contact: If you have any questions regarding this memorandum, please send an email to nhsurveydevelopment@cms.hhs.gov

Effective Date: November 28, 2016. This information should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators before November 28, 2016.

/s/
David R. Wright

Attachment(s) –
Attachment 1- Draft Appendix PP
Attachment 2- Regulation Text by Current Tag Order
Attachment 3- F-Tag Job Aide

cc: Survey and Certification Regional Office Management

*The contents of this letter support activities or actions to improve patient or resident safety
and increase quality and reliability of care for better outcomes.*