

MDS Alert

Surveys and Compliance: Know the Intricacies of Facility Closure Regulations

Amidst high season for natural disasters and a drop in business due to COVID, avoid penalties during facility closure.

Surveyors don't often levy Ftag F846 Facility Closure, says **Linda Elizaitis, RN, RAC-CT, BS**, president and founder of CMS Compliance Group in Melville, New York, but keeping this Ftag in mind is helpful for administrators looking over their books and wondering whether individual facilities will survive the pandemic.

The crux of F846 is that a facility cannot close until every resident therein is transferred, discharged, or otherwise relocated to the most appropriate setting, according to Appendix PP of the State Operations Manual (SOM).



Look to Your Policies and Procedures

One huge aspect of F846 is notification: Knowing who you need to notify and when is crucial for remaining compliant.

Making sure your policies and procedures are watertight is important here.

Surveyors will be making sure that you have the plans in place to alert - with timely written notice - several parties in the event of a facility closure, including residents and their representatives, the State Survey Agency, the state long-term care ombudsman, the Centers for Medicare & Medicaid Services (CMS) regional office, the state Medicaid agency, and all implicated staff.

Transfer Residents Carefully

The SOM lists many components of resident transfer, both in the communication that must occur in preparation, as well as the alerts that must be given to the various aforementioned stakeholders.

Remember to tailor your plans and response to the individual resident's situation: If a resident is transferring to another nursing home, the process will be a lot different than if the resident discharges to a family member's home, Elizaitis says.

Start with interviewing residents, to figure out their individual needs, goals, and preferences. Provide information that is accessible about the various community options available to each resident, and communicate those options in ways that residents can easily understand. Surveyors will be checking to make sure facilities made every reasonable effort to accommodate residents' needs, as well as their goals and plans.

Don't forget to consider the emotional and psychological aspects of such a big move; incorporate any relevant care necessary to buffer the effects of moving to a new home with new caregivers and a new community of residents.

Surveyors will also be checking to see whether staff may be left out in the rain, especially for staff who are providing care to residents amidst the transition to closure. Staff, vendors, and contractors all need salaries and expenses paid, and facilities need to make sure that staffing levels are adequate for providing all aspects of resident care, continuously.



Know Operations Inside and Out

If a facility decides it will close, it needs to send a copy of its plans for resident transfer along with its notification to the State Survey Agency. If a facility does not include its plan, the State Survey Agency will request a copy immediately, as well as a copy of the admission records, to make sure that no new residents were admitted on or after the date the facility provided notice of closure.

To check in on compliance, surveyors are instructed by the SOM to focus on a facility's written plans as well as interviews with administrators.

Surveyors are looking to evaluate how administrators are managing, overseeing, coordinating, and implementing each aspect of their facility's relocation plan, including for every resident.

The respective long-term care ombudsman may assist in evaluating a facility's plan off site.

"A resident who had been temporarily transferred to an acute care setting, is on bed hold, or is on a temporary leave would not be considered to be a new admission upon return to the facility. However, each of these situations may need to be evaluated on a case-by-case basis in order to determine if the clinical care or social needs of the resident may continue to be met by the facility if transferred back to the facility in closure," the SOM says.

Include This in Your Paperwork

The facility closing needs to provide relevant information about each resident in a way that the receiving provider can access immediately without unduly (or further) interrupting the resident's care. This information should encompass each resident's medical information, as well personal information, including belongings (including medicine), funds, and evidence that the facility has been accounting the above.

Don't forget to include communication with residents and their representatives as part of your policies and procedures for a facility closure; if surveyors are conducting a survey onsite, they'll be checking in with folks to see how much they know about the forthcoming changes.

Emergency Situations May Not Apply

In an emergency situation involving evacuation and temporary facility closure, the respective State Survey

Agency can approve temporary relocation, and facilities would not need to worry about the aspects of compliance related to F846.

However, if an emergency temporary closure becomes permanent, facilities will need to follow the steps described in Appendix PP of the SOM in alerting relevant stakeholders.