

Medicare/Medicaid: New Data Collection Requirement For Skilled Nursing And Extended Care Nursing Facilities.

A letter dated October 10, 2002 from the US Centers for Medicare & Medicaid Services (CMS) to all nursing-facility administrators announced the requirement, effective January 1, 2003, that all skilled nursing facilities and nursing facilities compile, record and display a daily report of the nursing staff working in direct patient care in the facility.

The letter included a rough outline of a makeshift form recommended for compiling and displaying the required data.

On February 27, 2004 CMS announced proposed new regulations that, if adopted, will require use of CMS's official Daily Nurse Staffing Form on a per-shift basis in every nursing facility.

To Be Required Every Shift

Although the word "Daily" appears in the title of the form, it will be required at the end of each shift.

CMS says the new form should not be completed until the end of the shift, so that the form can accurately reflected the nursing staff who actually worked the shift or part of the shift, not the number who were scheduled for the shift or who reported at the beginning of the shift.

To Be Completed By A Designated Person

CMS expects every nursing facility to designate a specific person to have the responsibility to complete the information on the form.

However, CMS has not specified who must or should have this responsibility.

Only Direct Patient-Care Workers Are To Be Counted

CMS cautions that only staff who provide direct patient care may be counted on the form. A charge nurse is a direct patient care worker but the director of nursing is not, unless the director also serves as a charge nurse or does other direct care tasks.

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The US Centers for Medicare & Medicaid Services (CMS) has proposed new regulations to require use of CMS's official Daily Nurse Staffing Form for all skilled nursing facilities and nursing facilities to compile, record and display patient census and nurse-staffing data.

The new regulations are only a proposal and are not mandatory at this time.

(Any US Federal agency enacting new regulations must post the proposed new regulations in the Federal Register at least thirty days ahead of time and invite public comments.)

CMS will accept public comments until April 27, 2004 before announcing its decision regarding final, mandatory regulations.

Collecting, recording and posting of nursing staffing and patient-census data on a per-shift basis is not a new requirement.

What will be new will be the requirement for all nursing facilities to use the official Daily Nurse Staffing Form.

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PART 483--REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES (New – Proposed 2/27/04).

Sec. 483.30 Nursing services.

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(e) Posting of nurse staffing information.

(1) Information requirements. The facility must--

(i) On a daily basis, at the end of each shift, calculate the number of FTE(s) for the following licensed and unlicensed nursing staff directly responsible for resident care:

(A) Registered nurses.

(B) Licensed practical nurses or licensed vocational nurses (as defined under State law); and

(C) Certified nurse aides.

(ii) On a daily basis, determine or verify the resident census.

(2) Form use and posting requirements. The facility must on a daily basis--

(i) **Use the CMS-specified form (Daily Nurse Staffing Form) to enter the information specified in paragraph (e)(1) of this section;** and

(ii) Post the completed Daily Nurse Staffing Form in a prominent place readily accessible to residents and visitors.

(3) Public access and data retention requirements. The facility must--

(i) Upon request, make the Daily Nurse Staffing Form(s) available to the public;

(ii) Maintain the Daily Nurse Staffing Form(s) for a minimum of 3 years, or as required by State law, whichever is greater.

An example of the new Daily Nurse Staffing Form is on our website at <http://www.nursinglaw.com/dnsf.pdf>. The form and instructions are pages 6 and 7 of the PDF file for the February 27, 2004 announcement in the US Federal Register (Federal Register pages 9287-9288).

We assume CMS will mail out examples of the form.

CMS says the new Daily Nurse Staffing Form can be downloaded and printed from the CMS website at <http://www.cms.hhs.gov>, but we have not been able to find it on the CMS website apart from CMS's own link to the 2/27/04 announcement in the Federal Register.