To: NCHCFA Members

From: Polly Godwin Welsh and Stacy Flannery

Date: December 30, 2002

Subject: Staff Posting Requirements

The Association office today received important information from AHCA regarding the federal staff posting regulation that becomes effective January 1, 2003. Included with this memo is the text of a letter from Dr. Chip Roadman, President and CEO of AHCA, to AHCA members and a copy of a letter from Thomas Scully, CMS Administrator, to Dr. Roadman. Please review the enclosed information carefully. Surveyors will be looking for compliance beginning January 1, 2003.

Following is the text of the letter from Administrator Scully to Dr. Roadman:

December 24, 2002

Dear Member:

The attached letter from Thomas A. Scully (PDF; 103 KB), Administrator of the Centers for Medicare & Medicaid Services (CMS) addresses a new federal policy that requires all Medicare and Medicaid certified nursing facilities to post on a daily basis the number of licensed and unlicensed nursing staff on duty who are directly responsible for patient care on each shift. The requirement, which becomes effective on January 1, 2003, is related to Section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA). Mr. Scully’s letter provides preliminary guidance to facilities, including a suggested posting format.

BIPA also requires CMS to specify the “uniform manner” in which facilities should display the information. CMS plans to issue formal guidance later in 2003 through regulation. Facilities need to be aware that they must post the information by January 1, using the guidance in the attached letter.

AHCA recommends that facilities follow the suggestions in Mr. Scully’s letter to comply with the basic requirements. AHCA also suggests that, until CMS issues specific and detailed guidance, facilities consider taking additional steps that are best suited for the facility. These include:
Post the information in a manner that meets the needs of the facility and its patients.

Post the number of nursing staff as appropriate to each facility, including RNs, LPNs, LVNs, and nurse aides.

Include specialty aides such as medication aides if they are part of the nursing staff; nurse aides in training if they are providing direct care for which they have been trained and tested competent; and facility or company employed geriatric nurse practitioners.

If the facility chooses to post the number of nursing staff who may not provide hands-on care full time, but whose responsibilities directly affect patients, they should be listed separately from the direct care staff. These additional staff include the Director of Nursing, MDS or RAI Coordinator, and Staff Development Director.

Use a format for posting the information that is best suited for the facility’s patient population, staff and visitors (It may be computer-generated or hand-written but should be easy to read.).

Post the staffing information in a clearly visible place or places that are accessible to facility staff, patients, and visitors.

Have available a supply of daily staffing lists for patients who request the information, but are not able to see the posted sheet, e.g., individuals who are bed-bound.


Sincerely,

Charles H. Roadman II, MD, CNA
President and CEO
DEC 24 2002

Mr. Charles H. Roadman II, MD
American Health Care Association
1201 L Street, NW
Washington, DC 20005

Subject: Required Posting of Nursing Staff Numbers

Dear Dr. Roadman:

As you know, effective January 1, 2003, Section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) requires skilled nursing facilities and nursing facilities to post daily for each shift the number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. Many of you have requested guidance from the Centers for Medicare & Medicaid Services (CMS) on the format of that reporting. CMS is working to address this concern. CMS will publish a regulation later in this fiscal year defining this required format and content. In the meantime, attached is a format that CMS recommends you use in the interim. It is not a required format, and you may choose to use your own format.

The required facility nursing staff numbers must be prominently displayed in a public area. CMS suggests the size of the report be at least 8.5 x 14 inches, and printed in a size font/print large enough to be easily read. This information must include the actual number of licensed and unlicensed nursing staff directly responsible for the care of residents for that particular day on each shift. This may mean that the nursing facility would post each shift staff numbers very close to the beginning of the shift in order to ensure that the posted numbers are the actual staff working the shift. Licensed and unlicensed nursing staff includes: registered nurses, licensed practical nurses, and nurse aides. The nursing home may choose to delineate the above categories of staff in addition to others, e.g., volunteers on the template.

The State Survey Agencies responsible for ensuring that nursing facilities are compliant with federal requirements are expected to verify that the nursing staffing information is posted. This will be done for all surveys performed on or after January 1, 2003. The CMS Survey & Certification Letter 03-03 dated October 10, 2002 is enclosed or viewable on the internet at http://cms.hhs.gov/medicaid/ltosp/ltcmemos.asp.

I hope this will allay any immediate concerns about what is required to be posted effective January 1, 2003.

Thomas A. Scully
Administrator

Enclosures