
CMS Manual System

Pub. 100-07 State Operations Provider Certification

Department of Health &
Human Services (DHHS)
Centers for Medicare &
Medicaid Services (CMS)

Transmittal 207

Date: September 30, 2022

SUBJECT: Revisions to State Operation Manual (SOM), Appendix PP Guidance to Surveyors for Long Term Care Facilities

I. SUMMARY OF CHANGES: Revisions are being made to the regulatory language at F801 regarding food director qualifications, and to regulatory language at 483.90 physical environment specifically the fire safety evaluation system. There are no associated guidance changes.

NEW/REVISED MATERIAL - EFFECTIVE DATE: September 30, 2022
IMPLEMENTATION DATE: October 1, 2022

Disclaimer for manual changes only: The revision date and transmittal number apply to the red italicized material only. Any other material was previously published and remains unchanged. However, if this revision contains a table of contents, you will receive the new/revised information only, and not the entire table of contents.

II. CHANGES IN MANUAL INSTRUCTIONS: (N/A if manual not updated.)
(R = REVISED, N = NEW, D = DELETED) – (Only One Per Row.)

R/N/D	CHAPTER/SECTION/SUBSECTION/TITLE
R	Appendix PP/F801 Staffing/§483.60(a)(2)(i)
R	Appendix PP/ Physical Environment/§483.90(a)(1)(iii)

III. FUNDING: No additional funding will be provided by CMS; contractor activities are to be carried out within their FY 2016 operating budgets.

IV. ATTACHMENTS:

	Business Requirements
X	Manual Instruction
	Confidential Requirements
	One-Time Notification
	Recurring Update Notification

***Unless otherwise specified, the effective date is the date of service.**

F801

(Rev. 207; Issued: 09-30-22; Effective: 09-30-22; Implementation: 10-01-22)

§483.60(a) Staffing

The facility must employ sufficient staff with the appropriate competencies and skills sets to carry out the functions of the food and nutrition service, taking into consideration resident assessments, individual plans of care and the number, acuity and diagnoses of the facility's resident population in accordance with the facility assessment required at §483.70(e)

This includes:

§483.60(a)(1) A qualified dietitian or other clinically qualified nutrition professional either full-time, part-time, or on a consultant basis. A qualified dietitian or other clinically qualified nutrition professional is one who—

- (i) Holds a bachelor's or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics accredited by an appropriate national accreditation organization recognized for this purpose.**
- (ii) Has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional.**
- (iii) Is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed. In a State that does not provide for licensure or certification, the individual will be deemed to have met this requirement if he or she is recognized as a "registered dietitian" by the Commission on Dietetic Registration or its successor organization, or meets the requirements of paragraphs (a)(1)(i) and (ii) of this section.**
- (iv) For dietitians hired or contracted with prior to November 28, 2016, meets these requirements no later than 5 years after November 28, 2016 or as required by state law.**

§483.60(a)(2) If a qualified dietitian or other clinically qualified nutrition professional is not employed full-time, the facility must designate a person to serve as the director of food and nutrition services.

(i) The director of food and nutrition services must at a minimum meet one of the following qualifications—

- (A) A certified dietary manager; or**
- (B) A certified food service manager; or**
- (C) Has similar national certification for food service management and safety from a national certifying body; or**
- D) Has an associate's or higher degree in food service management or in hospitality, if the course study includes food service or restaurant management, from an accredited institution of higher learning; or**

(E) Has 2 or more years of experience in the position of director of food and nutrition services in a nursing facility setting and has completed a course of study in food safety and management, by no later than October 1, 2023, that includes topics integral to managing dietary operations including, but not limited to, foodborne illness, sanitation procedures, and food purchasing/receiving; and

- (ii) In States that have established standards for food service managers or dietary managers, meets State requirements for food service managers or dietary managers, and**
- (iii) Receives frequently scheduled consultations from a qualified dietitian or other clinically qualified nutrition professional.**

§483.90 Physical Environment

The facility must be designed, constructed, equipped, and maintained to protect the health and safety of residents, personnel and the public.

§483.90(a) Life safety from fire.

§483.90(a)(1) Except as otherwise provided in this section –

§483.90(a)(1)(i) The LTC facility must meet the applicable provisions and must proceed in accordance with the Life Safety Code (NFPA 101 and Tentative Interim Amendments TIA 12-1, TIA 12-2, TIA 12-3, and TIA 12-4.)

§483.90(a)(1)(ii) Notwithstanding paragraph (a)(1)(i) of this section, corridor doors and doors to rooms containing flammable or combustible materials must be provided with positive latching hardware. Roller latches are prohibited on such doors.

§483.90(a)(1)(iii) If a facility is Medicare- or Medicaid-certified before July 5, 2016 and the facility has previously used the Fire Safety Evaluation System for compliance, the facility may use the scoring values in the following Mandatory Values Chart:

Mandatory Values—Nursing Homes

<i>Zone Location</i>	<i>Containment (Sa)</i>		<i>Extinguishment (Sb)</i>		<i>People Movement (Sc)</i>	
	<i>New</i>	<i>Exist.</i>	<i>New</i>	<i>Exist.</i>	<i>New</i>	<i>Exist.</i>
<i>1st story</i>	<i>11</i>	<i>5</i>	<i>15(12)*</i>	<i>4</i>	<i>8(5)*</i>	<i>1</i>
<i>2nd or 3rd story</i>	<i>15</i>	<i>9</i>	<i>17(14)*</i>	<i>6</i>	<i>10(7)*</i>	<i>3</i>
<i>4th story or higher</i>	<i>18</i>	<i>9</i>	<i>19(16)*</i>	<i>6</i>	<i>11(8)*</i>	<i>3</i>

** Use () in zones that do not contain patient sleeping rooms.*

§483.90(a)(2) In consideration of a recommendation by the State survey agency or Accrediting Organization or at the discretion of the Secretary, may waive, for periods deemed appropriate, specific provisions of the Life Safety Code, which would result in unreasonable hardship upon a long-term care facility, but only if the waiver will not adversely affect the health and safety of the patients.