

FINAL RULE PUBLISHED REGARDING NURSING FACILITY CLOSURE REQUIREMENTS

On March 19, 2013, the Centers for Medicare & Medicaid Services' ("CMS") **Final Rule** regarding notification and relocation requirements for closing a long-term care ("LTC") facility was published in the *Federal Register*.

Under the new requirements, 60 days prior to the closure of an LTC facility, the administrator must provide written notice to the following:

1. The Secretary of Health and Human Services (with the State Survey Agency acting on behalf of the Secretary);
2. The State Medicaid Agency;
3. The State LTC Ombudsmen; and
4. The residents and the residents' legal representatives and/or other responsible parties.

If a state law requires notification earlier than 60 days, then the state law requirement must be followed.

Additionally, prior to the closure of a facility, a plan for the safe and appropriate relocation of the residents must be developed and submitted to and approved by the State Survey Agency. Furthermore, the administrator must ensure that no new residents are admitted to the facility on or after the notification date.

Violation of any of the notification and/or relocation requirements by the administrator could result in civil monetary penalties ("CMPs") being assessed against the administrator. CMPs can range from a minimum of \$500 for a first offense to a minimum of \$3,000 for a third offense, but not to exceed \$100,000.

The **Final Rule** will be effective on April 18, 2013.

If you have questions or concerns regarding the foregoing or would like additional information, please contact:

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