December 4, 2017

Q: My administrators and I are disagreeing about this moratorium on certain Phase 2 RoPs. They are understanding we have an 18 month reprieve from having to fulfill the obligation. I understand it to mean they aren’t going to give us CMPs during this period but we’re still expected to do them. Can you clarify for me?

A: **Temporary moratorium on imposing certain enforcement remedies for specific Phase 2 requirements:** CMS will provide an 18-month moratorium on the use of certain enforcement remedies (CMP, DPNA and discretionary termination) for specific Phase 2 requirements (see below). However, CMS may use directed plans of correction or directed in-services for these specific Phase 2 requirements. Thus, all Phase 2 requirements are in effect and must be complied with as of November 28, 2017. These noted Phase 2 delayed enforcement tags will still appear on the CMS 2567 and also be noted on CMS’s Nursing Home Compare. This 18-month period will be used to educate facilities about these specific new Phase 2 standards.

**Phase 2 Requirements Impacted by the Temporary Enforcement Moratorium**

CMS has provided the following list of F-Tags included in the 18-month moratorium on use of CMPs:

- F655 (Baseline Care Plan); §483.21(a)(1)-(a)(3)
- F740 (Behavioral Health Services); §483.40F741 (Sufficient/Competent Direct Care/Access Staff-Behavioral Health); §483.40(a)(1)-(a)(2)
- F758 (Psychotropic Medications related to PRN Limitations §483.45(e)(3)-(e)(5)
- F838 (Facility Assessment); §483.70(e)
- F881 (Antibiotic Stewardship Program); §483.80(a)(3)
- F865 (QAPI Program and Plan) related to the development of the QAPI Plan; §483.75(a)(2) and,
- F926 (Smoking Policies). §483.90(i)(5)