February 5, 2018

Q: If a nurse that currently works for a facility has a disciplinary action on her license are we expected to terminate their employment based on the new regulation?

A: In order to meet the federal requirement at 42 CFR 483.12(a)(3)(iii), a facility must not employ, or otherwise engage individuals, who have a disciplinary action in effect against his/her professional license as a result of a finding of abuse, neglect, exploitation, mistreatment of residents or misappropriation of resident property. If a facility employs a nurse where a probation is in effect on his/her nursing license, as a result of abuse, neglect, exploitation, mistreatment of residents or misappropriation of resident property, then the facility would not be in compliance with federal requirements. The facility is expected to review the terms of the disciplinary action on the license status to determine this.