

**§483.10(e)(5) The right to share a room with his or her roommate of choice when practicable, when both residents live in the same facility and both residents consent to the arrangement.**

**§483.10(e)(6) The right to receive written notice, including the reason for the change, before the resident's room or roommate in the facility is changed.**

#### **GUIDANCE §483.10(e)(4)-(6)**

Residents have the right to share a room with whomever they wish, as long as both residents are in agreement. These arrangements could include opposite-sex and same-sex married couples or domestic partners, siblings, or friends.

There are some limitations to these rights. Residents do not have the right to demand that a current roommate is displaced in order to accommodate the couple that wishes to room together. In addition, residents are not able to share a room if one of the residents has a different payment source for which the facility is not certified (if the room is in a distinct part of the facility, unless one of the residents elects to pay privately for his or her care) or one of the individuals is not eligible to reside in a nursing home.

Moving to a new room or changing roommates is challenging for residents. A resident's preferences should be taken into account when considering such changes. When a resident is being moved at the request of facility staff, the resident, family, and/or resident representative must receive an explanation in writing of why the move is required. The resident should be provided the opportunity to see the new location, meet the new roommate, and ask questions about the move.

A resident receiving a new roommate should be given as much advance notice as possible. The resident should be supported when a roommate passes away by providing time to adjust before moving another person into the room. The length of time needed to adjust may differ depending upon the resident. Facility staff should provide necessary social services for a resident who is grieving over the death of a roommate.

If the survey team identifies potential compliance issues related to social services, refer to §483.40(d), F745, Social Services.

#### **F560**

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**§483.10(e)(7) The right to refuse to transfer to another room in the facility, if the purpose of the transfer is:**

- (i) to relocate a resident of a SNF from the distinct part of the institution that is a SNF to a part of the institution that is not a SNF, or
- (ii) to relocate a resident of a NF from the distinct part of the institution that is a NF to a distinct part of the institution that is a SNF.
- (iii) solely for the convenience of staff.

**§483.10(e)(8) A resident's exercise of the right to refuse transfer does not affect the resident's eligibility or entitlement to Medicare or Medicaid benefits.**

#### **DEFINITIONS §483.10(e)(7)-(8)**

**“Campus”:** Under §413.65(a)(2), “Campus means the physical area immediately adjacent to the provider’s main buildings, other areas and structures that are not strictly contiguous to the main buildings but are located within 250 yards of the main buildings, and any other areas determined on an individual case basis, by the CMS *location*, to be part of the provider’s campus.”

**“Composite distinct part”:** Under §483.5, a composite distinct part is a type of distinct part SNF or NF consisting of two or more noncontiguous components that are not located within the same campus, as that term is defined in §413.65(a)(2).

**“Distinct Part”:** A distinct part SNF or NF is part of a larger institution or institutional complex. The distinct part SNF or NF is physically distinguishable from the larger institution or complex and may be comprised of one or more buildings or parts of buildings (such as wings, wards, or floors). Distinct part SNFs or NFs must be immediately adjacent or in close proximity to the institution’s main buildings. CMS may determine, on an individual basis that other areas are part of the institution’s campus and considered to be a distinct part SNF or NF. A distinct part SNF or NF must include all of the beds within the designated area, and cannot consist of a random collection of individual rooms or beds that are scattered throughout the physical plant. The term “distinct part” also includes composite distinct part SNFs or NFs. Additional requirements specific to distinct part SNFs or NFs are found at §483.5.

#### **GUIDANCE §483.10(e)(7)-(8)**

A resident can decline relocation from a room in one institution’s distinct part SNF or NF to a room in another institution’s distinct part SNF or NF for purposes of obtaining Medicare or Medicaid eligibility. Facility staff are responsible for notifying the resident or resident representative of changes in eligibility for Medicare or Medicaid covered services and of what the resident’s financial responsibility may be. If the resident is unable to pay for those services, then after giving the resident a discharge notice, the resident may be transferred or discharged under the provisions of §483.15(b), F621, Equal Access to Quality Care.

When a resident occupies a bed in a distinct part NF that is certified to participate in Medicaid only and not in Medicare, he or she may not be moved involuntarily (or required to be moved by the State) from that distinct part NF to another part of the larger institution (e.g., hospital or intermediate care facility for individuals with intellectual disabilities) that houses the distinct part