

- If more than one RN provides the 40 hour per week coverage, how is information exchanged that maintains continuity of resident care?
- Does each resident’s clinical record have documentation by the physician that the resident does not need services of a physician or an RN for a 48-hour period each week?
- Are there any emergency or routine services that should be, but are not, provided to residents during the days that a registered nurse is not on duty?
- If specific skilled care is necessary for a resident during the time that an RN is not on duty, does an RN or physician provide that service on an “as needed” basis?
- Did the facility notify the residents of the facility and their resident representatives of the waiver?

If the SNF requests continuation of the waiver to provide the services of a registered nurse for more than 40 hours a week, the survey team is to provide the CMS *Location* with information needed to grant this continuation.

- Does the SNF meet all requirements necessary for continuation of the waiver?

PROCEDURES

The following procedure should be used to document that a facility has a waiver of nurse staffing requirements.

When a facility does not meet the nurse staffing requirements, cite the appropriate tag. If the facility does have a waiver, reference the tag number based on the type of facility. The type of facility (SNF, NF, or SNF/NF) determines what type of waiver is granted:

- For SNFs and SNF/NFs which may be waived from the requirement to provide more than 40 hours of registered nurse services a week, and for NFs which have been granted a waiver from the 56-hour registered nurse requirement, cite F727;
 - For NFs that have a waiver of the 24-hour licensed nursing requirement, cite F725, or
 - Both facility types could be waived for the requirement to designate a registered nurse as the director of nursing on a full-time basis. Cite F731.

If the facility has an approved nurse staffing waiver, it is **not** considered a deficiency. The facility does not need to submit a Plan of Correction.

F732

(Rev. 229; Issued: 04-25-25; Effective: 04-25-25; Implementation: 04-28-25)

§483.35(i) Nurse Staffing Information.

§483.35(i)(1) Data requirements. The facility must post the following information on a daily basis:

(i) Facility name.

(ii) The current date.

(iii) The total number and the actual hours worked by the following categories of licensed and unlicensed nursing staff directly responsible for resident care per shift:

(A) Registered nurses.

(B) Licensed practical nurses or licensed vocational nurses (as defined under State law).

(C) Certified nurse aides.

(iv) Resident census.

§483.35(i)(2) Posting requirements.

(i) The facility must post the nurse staffing data specified in paragraph (i)(1) of this section on a daily basis at the beginning of each shift.

(ii) Data must be posted as follows:

(A) Clear and readable format.

(B) In a prominent place readily accessible to residents, *staff*, and visitors.

§483.35(i)(3) Public access to posted nurse staffing data. The facility must, upon oral or written request, make nurse staffing data available to the public for review at a cost not to exceed the community standard.

§483.35(i)(4) Facility data retention requirements. The facility must maintain the posted daily nurse staffing data for a minimum of 18 months, or as required by State law, whichever is greater.

INTENT

To make nurse staffing information readily available in a readable format to residents and visitors at any given time.

GUIDANCE

The facility's staffing data "document" may be a form or spreadsheet, as long as all the required information is displayed clearly and in a visible place. The information should be displayed in a prominent place that is readily accessible to residents, *staff*, and visitors and presented in a clear and readable format. This information posted must be up-to-date and current.

The facility is required to list the total number of staff and the actual hours worked by the staff to meet this regulatory requirement. The information should reflect staff absences on that shift due to call-outs and illness.

Staffing must include all nursing staff who are paid by the facility (including contract staff). The nursing home is not required to include in the posting the data for staff who are paid for through other sources; examples include hospice staff covered by the hospice benefit, or individuals hired by families to provide companionship or assistance to a specific resident.

PROCEDURES AND PROBES

Surveyors must determine through information obtained by observations and verified by record reviews the following:

- The facility posts the following information on a daily basis:
 1. Facility name
 2. The current date
 3. The total number and actual hours worked by the following categories of licensed and unlicensed nursing staff directly responsible for resident care per shift: registered nurses, licensed practical nurses or licensed vocational nurses, and certified nurse aides.
 4. Resident census
- The facility must post the nurse staffing data mentioned above on a daily basis at the beginning of each shift.
- The data must be posted in a clear and readable format and in a prominent place readily accessible to residents and visitors.
- The facility must upon oral or written request make nurse staffing data available to the public for review at a cost not to exceed the community standard.
- The facility must maintain the posted daily nurse staffing data for a minimum of 18 months, or as required by State law, whichever is greater.

KEY ELEMENTS OF NONCOMPLIANCE