

See §483.90(e)(3) regarding variances.

“**Reconstruction**” means the facility undergoes reconfiguration of the space such that the space is not permitted to be occupied, or the entire building or an entire occupancy within the building, such as a wing of the building, is modified. The requirement applies to the reconstructed area, so that where reconstruction involves a limited area within a building, we would not expect the entire building to upgrade to the new requirements of no more than two residents per room.

When a facility undergoes a change of ownership under §489.18 and the new owner does not accept assignment of the existing provider agreement and requires a “new initial certification” for a new provider agreement that would be effective after November 28, 2016, the facility would be expected to be upgraded to meet these new requirements of each bedroom accommodating not more than two residents. This would also apply when the provider agreement was terminated by CMS and another provider is working to reopen the facility.

In the case of a natural disaster where the Secretary has declared a public health emergency, a waiver of certain requirements under section 1135 of the Act may be available under certain conditions. The waiving of specific requirements under section 1135 for affected facilities would depend on the many factors, including the extent of damage to the facility. New construction or Reconstruction of facilities affected by a declared disaster should be discussed with the appropriate CMS *Location*.

For facilities that receive approval of construction or reconstruction plans from State and local authorities or are newly certified after November 28, 2016 each resident room must meet the new requirements of no more than two residents per room.

PROBES:

Unless a variance has been applied for and approved under §483.90(e)(3), do the residents’ bedrooms accommodate no more than four residents?

For resident bedrooms constructed in a certified facility or in a facility certified after November 28, 2016, are there a maximum of two beds per bedroom?

F912

(Rev. 173, Issued: 11-22-17, Effective: 11-28-17, Implementation: 11-28-17)

§483.90(e)(1)(ii) Measure at least 80 square feet per resident in multiple resident bedrooms, and at least 100 square feet in single resident rooms;

GUIDANCE: §483.90(e)(1)(ii)

See §483.90(e)(3) regarding variations.