



News

Alfini and Guetzow Review CMS's Landmark Reform of Long-Term Care Facility Regulations

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David Alfini, Adam S. Guetzow

Hinshaw attorneys [David Alfini](#) and [Adam Guetzow](#), members of the [Adult Long-Term Care](#) practice, review in a *Bloomberg BNA* article the landmark final rule published by the Center for Medicare & Medicaid Services (CMS) that reforms long-term care facility requirements. The 713 page rule was published on September 28, 2016 and represents the largest revision to regulations governing long-term care facilities in over 30 years.

Guetzow and Alfini explain that CMS focused the final rule on modernizing the regulatory structure and codifying regulations instituting patient-centered care. The most significant reform was a ban on pre-dispute arbitration agreements between facilities and residents. However, on November 7, 2016, a federal district court in Mississippi granted a preliminary injunction in a lawsuit challenging this provision, and thus implementation of the ban is currently on hold pending resolution of the lawsuit. Other changes included expansion of resident rights; a new comprehensive person-centered care plan requirement; a codified compliance and ethics program; and new dietary services requirements.

Phase I of the final rule went into effect November 28, 2016. Phase II requirements go into effect on November 28, 2017 and Phase III regulations will go into effect on November 28, 2019.

[Read the full article](#) (PDF - *republished with permission*)

"Reform of Long-Term Care Facility Requirements: CMS's Landmark Final Rule Poses New Challenges" was published by [Bloomberg BNA's Health Law Reporter](#), February 16, 2017. (*subscription required*)

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Service Areas

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