

Regulatory Guidance Changes Affecting Medications in SNFs

CMS Guidance on ROP 3 Effective October 24, 2022

Although the Centers for Medicare and Medicaid Services (CMS) Phase 3 updated nursing home Requirements of Participation have been in effect since 2019, guidance was not released until the very end of June 2022, putting survey enforcement largely on hold until October 24. Among the many revisions, the new guidance affects the following medication-related topics.

Drug Regimen Is Free from Unnecessary Drugs (F-757/F-758 Facility Compliance)

- ✓ Surveyors are directed to consider whether facility is compliant with F-881 (Antibiotic Stewardship).
- ✓ Evidence of unnecessary antibiotic use could indicate that the facility is not implementing part or all of an antibiotic stewardship program.

Fentanyl Patch Disposal (F-755 Facility Compliance)

- ✓ State and local laws may restrict flushing of pharmaceuticals, including fentanyl patches.
- ✓ Nursing homes may use drug disposal systems if they can show the system minimizes accidental exposure and diversion.
- ✓ Ensure fentanyl patches are not disposed of in common areas or resident room trash cans or Sharps containers, due to potential for accidental exposure or diversion.

Gradual Dose Reduction (F-755 Facility Compliance)

- ✓ Requirement added to ensure dose reductions occur in modest increments over an adequate period of time to minimize withdrawal symptoms and monitor for symptom recurrence.

Misdiagnosis Related to Antipsychotics (F-755 Facility Compliance)

- ✓ Additional language included about potential for misdiagnosis of residents with conditions for which antipsychotics are an approved use, excluding the resident from the long-stay antipsychotic quality measure.

Psychosocial Harm Evaluation (F-758 Facility Compliance)

- ✓ Requires evaluation of residents' side effects of medication, including sedation, lethargy, agitation, mental status changes, or behavior changes that:
 - Affect resident abilities to perform activities of daily living or interact with others,
 - Cause resident to withdraw or decline usual social patterns,
 - Show resident has decreased engagement in activities, and/or
 - Cause diminished ability to think or concentrate.

Substance Abuse (F-689 Accidents/Hazards/Devices)

- ✓ Added guidance concerning care plans for residents with substance abuse disorder (SUD), to assess risk and prevent or manage accidental overdose.
- ✓ Facilities should be prepared to address emergencies relating to substance abuse by providing increased monitoring, maintaining and having knowledge of administering opioid reversal agents like naloxone, initiating CPR as appropriate, and contacting emergency medical services as soon as possible.

Unnecessary Psychotropic/PRN Use (F-758 Facility Compliance)

Guidance for psychotropic medication use has been expanded to include other medications that affect brain activity when documented use appears to be a substitution for another psychotropic medication rather than the original/approved indication. For example, a seizure medication being given to treat agitation who has no history of seizures.

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