

Nursing Home Regulations

With the advent of Medicare and Medicaid in 1965, Federal nursing home regulations were put into effect. Nursing homes that collect Medicare and Medicaid benefits must follow nursing home regulations. The United States Department of Health and Human Services, through the Health Care Finance Administration, enforces nursing home regulations. The most current standards imposed are under the Omnibus Budget Reconciliation Act of 1987.

OBRA 87: Omnibus Budget Reconciliation Act of 1987 (OBRA 87) OBRA 87 requires that the facility provide each patient with care that will enable the patient "to attain or maintain the highest practicable physical, mental and psychosocial well-being."

- Patient quality of life is the goal. The facility must give patients choices in activities, schedules and health care decisions.

- OBRA 87 requires that SNFs and ICFs provide 24-hour licensed practical nursing care seven days a week, and have at least one RN on duty for a minimum of 8 hours per day, seven days a week. Nurse's aides are required to undergo specialized training.

- OBRA 87 makes it the State's responsibility to establish, monitor and enforce state licensing and federal standards. States are required to maintain investigatory units and Ombudsman units, and to fund and staff them adequately.

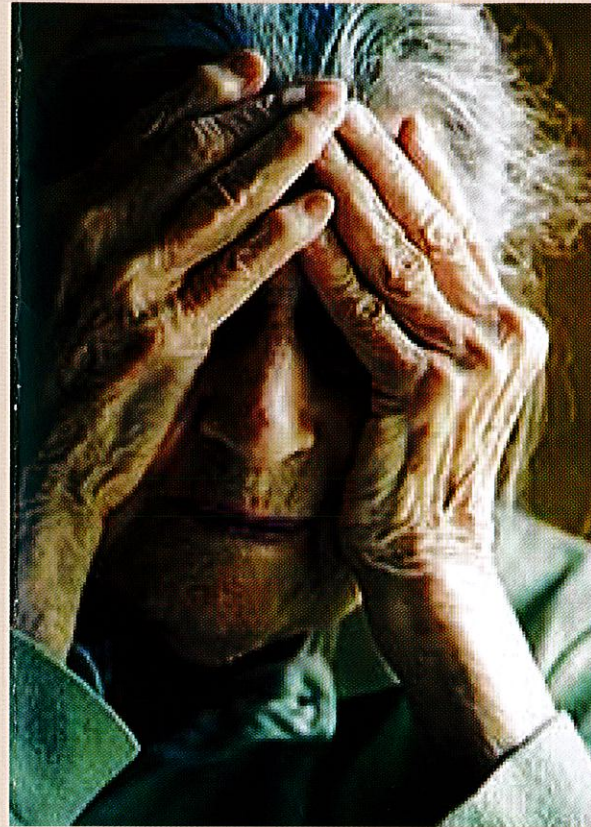
OBRA 90: Omnibus Budget Reconciliation Act of 1990 (OBRA 90) The Patient Self Determination Act covers all long-term care facilities that participate in Medicare or Medicaid. At the time of admission to a hospital or nursing home or at the time of enrollment with an HMO, Hospice, or Home Health Care Agency, the facility must do the following.

- Provide the patient written information concerning the patient's rights to participate in decisions concerning medical care, including the right to accept or refuse medical or surgical treatment, and the right to formulate advance directives.

- Document in its records whether the patient has executed an advance directive. However, the facility is not required to provide advance directives to patients.

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- AAJ: Nursing Home Abuse Litigation Group.
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- Iowa Bar Association Member.
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Nursing Home Neglect



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Offices in Nebraska & Iowa

888-322-2608

Randy@ShanksLaw.Net

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