

Eight Conditions of Participation
Fundamental and Non-Fundamental
Intermediate Care Facility/Individuals with Intellectual Disabilities

Directions: Please use this table as appropriate.

Tag	Regulation	Explanation
W102	§483.410 Condition of Participation: Governing Body and Management.	<p>§483.410 Compliance Principles:</p> <p>The Condition of Participation of Governing Body is met when each of the other Conditions of Participation are also met.</p> <p>The Condition of Participation of Governing Body is not met when:</p> <ul style="list-style-type: none"> • One or more of the other seven Conditions of Participation have first been determined to be not met, <u>and</u> the governing body has failed to take action that identifies and resolves systemic problems of a serious and recurrent nature; or • Federal, state, or local law by the authority having jurisdiction for that law denies any license or approval required.
W122	§483.420 Condition of Participation: Client Protections. <ul style="list-style-type: none"> • Fundamental 	<p>§483.420 Compliance Principles:</p> <p>The Condition of Participation of Client Protections is met when:</p> <ul style="list-style-type: none"> • Individuals are free from abuse and neglect; • Individuals are free from unnecessary drugs and restraints; and • Individual freedoms are promoted (e.g., individuals have choice and opportunities in their money management, community involvement, interpersonal relationships, daily routines, etc.). <p>The Condition of Participation of Client Protections is not met when:</p> <ul style="list-style-type: none"> • Individuals have been abused, neglected, or otherwise mistreated, and the facility has not taken steps to protect individuals and prevent recurrence; • Individuals are subjected to the use of drugs or restraints without justification; or • The facility denies or restricts individual freedoms without justification (e.g., systemic lack of privacy, of freedom of access to the community or to other individuals, in use of personal possessions and money, etc.).

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		<p>§483.420 Guidelines: A citation of W127 or W150, which require that facilities not subject individuals to verbal, sexual, or psychological abuse or punishment, is sufficient justification that the facility has failed to comply with the most fundamental of protections and, therefore, does not comply with this Condition of Participation.</p>
W158	<p>§483.430 Condition of Participation: Facility Staffing.</p>	<p>§483.430 Compliance Principles: The Condition of Participation of Facility Staffing is met when:</p> <ul style="list-style-type: none"> • The Condition of Participation of Active Treatment is met (i.e., there are sufficient numbers of competent, trained staff to provide active treatment); and • The Condition of Participation of Client Protections is met (i.e., there are sufficient numbers of competent, trained staff to protect individuals' health and safety). <p>The Condition of Participation of Facility Staffing is not met when:</p> <ul style="list-style-type: none"> • The Condition of Participation of Active Treatment has first been determined to be not met and the lack of active treatment has resulted from insufficient numbers of staff or lack of trained, knowledgeable staff to design and carry out individual's programs; or • The facility has not met Condition of Participation of Client Protections and the lack of client protection has resulted from insufficient numbers of competent, trained staff to protect the health and safety of individuals.
W195	<p>§483.440 Condition of Participation: Active Treatment Services.</p> <ul style="list-style-type: none"> • Fundamental 	<p>§483.440 Compliance Principles: The Condition of Participation of Active Treatment Services is met when:</p> <ul style="list-style-type: none"> • Individuals have developed increased skills and independence in functional life areas (e.g., communication, socialization, toileting, bathing, household tasks, use of community, etc.); • In the presence of degenerative or other limiting conditions, individuals' functioning is maintained to the maximum extent possible; • Individuals receive continuous, competent training, supervision, and support which

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		<p style="text-align: center;">promotes skills and independence; and</p> <ul style="list-style-type: none"> • Individuals need continuous, competent training, supervision, and support in order to function on a daily basis. <p>The Condition of Participation of Active Treatment Services is not met when:</p> <ul style="list-style-type: none"> • Individuals’ functional abilities have decreased or have not improved and the facility has failed to identify barriers and implement a plan to minimize or overcome barriers; • Individuals are not involved in activities which address their individualized priority needs; • Individuals do not have opportunities to practice new or existing skills and to make choices in their daily routines; or • Individuals are able to function independently without continuous training, supervision, and support by the staff.
W266	<p>483.450 Condition of Participation: Client Behavior and Facility Practices.</p> <ul style="list-style-type: none"> • Fundamental 	<p>§483.450 Compliance Principles:</p> <p>The Condition of Participation of Client Behavior and Facility Practices is met when:</p> <ul style="list-style-type: none"> • Individual programs and activities regularly include use of positive techniques, teaching strategies, and supports. Efforts are made to reduce and eliminate use of restrictive techniques with positive results; • Staff teach and reinforce appropriate behaviors, such as communication skills, social skills, independence and choice-making skills, coping skills, and leisure skills which serve as functional substitutes for inappropriate behaviors; and • The facility only uses restrictive techniques when warranted by the severity of the behavior, and result in desired behavioral outcomes. <p>The Condition of Participation of Client Behavior and Facility Practices is not met when:</p> <ul style="list-style-type: none"> • Restrictive, intrusive techniques are used to manage or control behavior in lieu of positive teaching strategies;

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		<ul style="list-style-type: none"> • Individuals are physically or psychologically injured or harmed as a result of the use of the restrictive interventions and the facility has failed to adequately monitor the use of the intervention; or • Restrictive interventions are used when they are not warranted or without first attempting less restrictive/more positive measures.
W318	§483.460 Condition of Participation: Health Care Services. <ul style="list-style-type: none"> • Fundamental 	§483.460 Compliance Principles: The Condition of Participation of Health Care Services is met when: <ul style="list-style-type: none"> • Individuals receive preventive services and prompt treatment for acute and chronic health conditions; and • Individuals’ health is improved or maintained unless the deterioration is due to a documented clinical condition for which deterioration or lack of improvement is an accepted prognosis. The facility does not meet Condition of Participation of Health Care Services when individuals do not receive adequate health care monitoring and services, including appropriate and timely follow-up, based upon their individualized need for service.

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W406	§483.470 Condition of Participation: Physical Environment.	<p>§483.470 Compliance Principles:</p> <p>The Condition of Participation of Physical Environment is met when:</p> <ul style="list-style-type: none"> • The environment promotes the health and safety, independence, and learning of the individuals who reside there. • The Condition of Participation of Physical Environment is not met when: • Environmental conditions interfere with learning and independence (e.g., lack of appropriate assistive devices, accessible bathrooms and closets, house or water temperatures, etc.) to such an extent that the facility does not meet the Condition of Participation for Active Treatment. • Individuals are at risk to health and safety due to environmental conditions. Surveyors observe poor infection control practices and there is a high rate of infections or communicable diseases among the individuals residing in the facility.
W459	§483.480 Condition of Participation: Dietetic Services.	<p>§483.480 Compliance Principles:</p> <p>The Condition of Participation of Dietary Services is met when:</p> <ul style="list-style-type: none"> • The individuals maintain body weights and lab levels considered acceptable for their age, height, body type, and clinical condition or are receiving services and supports to assist them to do so; and • Individuals participate in normalized dining experiences appropriate to their functional abilities (e.g., using knives, family-style meals, going to restaurants, etc.) and the facility teaches the individuals skills to do so. <p>The Condition of Participation of Dietary Services is not met when:</p> <ul style="list-style-type: none"> • Individuals experience excessive weight loss or gain, abnormal lab levels, or deterioration in health as a result of an inadequate diet; or • Individuals do not receive training and supports which enable them to eat as independently and in as normalized manner as possible.

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A. **Fundamental Survey.** Surveyors conduct a fundamental survey to determine the quality of services and supports received by individuals, as measured by outcomes for individuals and essential components of a system, which must be present for the outcomes of active treatment to occur. Regulations have designated certain requirements as fundamental and surveyors review these requirements first. The remaining requirements (that are not fundamental) are supporting structures or processes that the facility must implement. A decision that a provider complies with the fundamental requirements indicates an outcome-reviewed compliance with the non-fundamental requirements and associated Conditions of Participation. Focus initial attention on the fundamental requirements of the Conditions of Participation.

Surveyors review all fundamental requirements in every annual recertification survey. When observations and interviews are complete, review the individuals' records, as needed, to verify observation and interview findings. If indicated, verify that the facility meets individual health needs and protections are in place. When the fundamental requirements are "met," the facility meets the Conditions of Participation.

When fundamental requirements are "not met," review the condition-level compliance principles found in the interpretive guidelines for W122, W195, W266, and W318. Determine whether deficiencies at the fundamental requirements, when viewed as a whole, lead you to believe that one or more of the "not met" compliance principles are present. If this is the case, conduct an extended survey, as instructed below. When the "met" compliance principles are present, the facility may comply with all Conditions of Participation. This is the end of the fundamental survey. The survey agency would prepare a Form CMS-2567, Statement of Deficiencies, and report any standard-level deficiencies based on the findings from the fundamental survey.

B. **Extended Survey.** An extended survey is conducted when standard-level deficiencies are found during the fundamental survey and the survey team has determined or suspects that one or more Conditions of Participation examined during the fundamental survey (42 Code of Federal Regulations [CFR] 483.420, 42 CFR 483.440, 42 CFR 483.450, and 42 CFR 483.460) are "not met." The team would need to gather additional information in order to identify the structural and process requirements that are "not met" and to support their condition-level compliance decision. The team reviews all of the requirements within the condition(s) for which compliance is in doubt. Using the condition-level compliance principles in the interpretive guidelines as a guide, determine if the facility complies with the relevant Conditions of Participation.

When the survey team determines that the facility is in compliance with the relevant Conditions of Participation, conclude the

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survey and prepare a CMS-2567 for facility practices not in compliance with standards. When the facility is not in compliance with one or more Conditions of Participation, prepare a CMS-2567 describing the deficient facility practices which are not in compliance with the Conditions of Participation of either 42 CFR 483.420, 42 CFR 483.440, 42 CFR 483.450, or 42 CFR 483.460. Base any required adverse action on these findings. Review of additional requirements under other Conditions of Participation is at the option of the survey agency based on the criteria under paragraph “C” of this section.

NOTE: Neither the fundamental nor the extended survey process precludes the survey agency from review of any standard, if evidence of non-compliant facility practice is suspected during any survey.

- C. Full Survey. Surveyors conduct a full survey at an initial survey and at the discretion of the survey agency, based on the survey agency’s identification of concerns related to the provider’s capacity to furnish adequate services. Surveyors base this decision on criteria, including but not limited to, the following:
- A condition-level deficiency on the previous year’s recertification survey,
 - The existence of a time-limited agreement of less than 12 months due to programmatic deficiencies, or
 - Evidence related to diminished capacity to provide services based on other sources, such as complaints, inspection of care findings, or state licensure deficiencies that are relevant to Federal requirements

The team reviews all the requirements in all Conditions of Participation to determine if the facility maintains the process and structure necessary to achieve the required outcomes. Based on the information collected, determine whether facility practice complies with all Conditions of Participation.