

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

REQUIREMENTS FOR NURSING HOME BEHAVIORAL & SOCIAL HEALTH SERVICES

FACT SHEET

Access to appropriate social and behavioral health services is important to every resident's well-being. Unfortunately, too many residents are not provided the services that they deserve and which are required to be provided to them under federal law.

This fact sheet provides useful information on the relevant federal requirements, with descriptions excerpted from the federal regulations, followed by some points to consider when advocating on these issues. [Note: The brackets below provide, for reference, the applicable federal regulation (42 CFR) and the [F-tag number](#) used when a facility is cited for failing to meet the standard.]

I. Behavioral Health Services [42 CFR 483.40, F-740 – 745]

A. Each resident must receive and the facility must provide the necessary behavioral health care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.

Behavioral health encompasses a resident's whole emotional and mental well-being, which includes, but is not limited to, the prevention and treatment of mental and substance use disorders.

The facility must have sufficient staff who provide direct services to residents with the appropriate competencies and skills sets to provide nursing and related services to assure resident safety and attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care.... These competencies and skills sets include, but are not limited to, knowledge of and appropriate training and supervision for:

- (1) Caring for residents with mental and psychosocial disorders, as well as residents with a history of trauma and/or post-traumatic stress disorder, that have been identified in the facility assessment conducted pursuant to § 483.70(e), and
- (2) Implementing non-pharmacological interventions.

B. Based on the comprehensive assessment of a resident, the facility must ensure that—

- (1) A resident who displays or is diagnosed with mental disorder or psychosocial adjustment difficulty, or who has a history of trauma and/or post-traumatic stress disorder, receives appropriate treatment and services to correct the assessed problem or to attain the highest practicable mental and psychosocial well-being;
- (2) A resident whose assessment did not reveal or who does not have a diagnosis of a mental or psychosocial adjustment difficulty or a documented history of trauma and/or post-traumatic stress disorder does not display a pattern of decreased social interaction and/or increased withdrawn, angry, or depressive behaviors, unless the resident's clinical condition demonstrates that development of such a pattern was unavoidable; and

(3) A resident who displays or is diagnosed with dementia, receives the appropriate treatment and services to attain or maintain his or her highest practicable physical, mental, and psychosocial well-being.

C. If rehabilitative services such as... services for mental disorders and intellectual disability, are required in the resident's comprehensive plan of care, the facility must—

- (1) Provide the required services, including specialized rehabilitation services...; or
- (2) Obtain the required services from an outside resource....

D. The facility must provide medically-related social services to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident.

II. Social Worker [42 CFR 483.70, F-850]

Any facility with more than 120 beds must employ a qualified social worker on a full-time basis. A qualified social worker is:

- a. An individual with a minimum of a bachelor's degree in social work or a bachelor's degree in a human services field...; and
- b. One year of supervised social work experience in a health care setting working directly with individuals.

Tips for Resident-Centered Advocacy

- ALL residents are entitled to these services, no matter how their care is paid for or how long they are in the facility.
- Visit www.nursinghome411.org/data/staffing/ and view the Non-Nurse Staff file to find the social work staffing hours for your facility. Is your facility providing sufficient social work staffing, especially of “qualified social workers”?
- If a resident is being given an antipsychotic or other medication to treat so-called “behaviors,” use this fact sheet to support your advocacy for non-pharmacological services in accordance with federal requirements.
- Keep in mind that facilities are required to provide residents with dementia, mental health, or substance use disorder needs with meaningful activities “that address the resident’s customary routines, interests, preferences, etc. and enhance the resident’s well-being.”
- According to federal guidance, these residents “may require different activities than other nursing home residents. Facilities must ensure that activities are provided to meet the needs of their residents.” [See [State Operations Manual](#) guidance for §483.40.]

RESOURCES

WWW.NURSINGHOME411.ORG. LTCCC’s website includes materials on the relevant standards for nursing home care and a variety of resources on specific issues, such as dementia care, resident assessment and care planning, dignity and quality of life. The website also has the latest staffing information on both nurse staffing and non-nurse staffing (including social work and activities staffing levels), for every U.S. nursing home (in compliance with federal reporting requirements).