

## **F918**

**(Rev.)**

### **§483.90(f) Bathroom Facilities.**

**Each resident room must be equipped with or located near toilet and bathing facilities. For facilities that receive approval of construction plans from State and local authorities or are newly certified after November 28, 2016, each residential room must have its own bathroom equipped with at least a commode and sink.**

#### **GUIDANCE: §483.90(f)**

“**Bathing Facilities**” is defined as a space that contains either a shower(s) or a tub(s) for resident use. See definition of “toilet facilities” for definition of “located near.”

“**Toilet facilities**” is defined as a space that contains a lavatory and a toilet/commode. CMS is also using the term “commode” to mean the same as a “toilet” when referring to a plumbing fixture. If the resident’s room is not equipped with an adjoining toilet facility, then “located near” means residents who are independent in the use of a toilet/commode, including chair bound residents, can routinely use a toilet/commode in the unit that they can access quickly.

*Facilities that meet any of the below criteria must meet the requirement for having in each resident bedroom its own bathroom consisting of at least a sink and commode/toilet:*

- *A facility that received approval for construction from the state or local authority after November 28, 2016;*
- *A facility that is newly certified after November 28, 2016;*
- *A facility that completes a change of ownership under §489.18 and the new owner does not accept assignment of the existing provider agreement **resulting in** a “new initial certification” for a new provider agreement that is effective after November 28, 2016; **or***
- *A facility whose provider agreement was terminated by CMS, and a **new** provider is working to **reenroll in the Medicare program as a newly certified facility effective after November 28, 2016.***

*Facilities that meet any of the above criteria also must meet the requirements in §483.90(e)(1)(i), which requires accommodation of no more than two residents per bedroom. We note that two conjoined private bedrooms (i.e., single occupancy in each room) with a shared bathroom equipped with at least a commode and a sink (i.e., “Jack & Jill bathroom”) are in compliance with §483.90(e)(1)(i) and §483.90 (f). However, if more than one resident resides in either conjoined bedroom, this would no longer be compliant with CMS regulations.*

In the case where the Secretary has declared a public health emergency *and the President declares a national emergency, the Secretary is authorized at section 1135 of the Act* to waive or *modify* certain *specified* requirements under Titles XVIII, XIX, XXI, and XI under certain conditions. The *waiver* of specific requirements under section 1135 for affected facilities requesting a waiver would depend on many factors, including, *for example*, the extent of damage to the facility. New construction or reconstruction of facilities affected by a public health emergency should be discussed with the appropriate CMS *Location*.

**PROCEDURES: §483.90(f)**

*If a facility meets any of the criteria above and does not have each* resident rooms equipped with or located near toilet and bathing facilities, *then noncompliance exists.*