

10A NCAC 13D .3003 VENTILATOR ASSISTED CARE

(a) For the purpose of this Rule, ventilator assisted individuals, means as defined in the federal State Operations Manual, Appendix PP – Guidance to Surveyors for Long Term Care Facilities, herein incorporated by reference including subsequent amendments and editions. Copies of the State Operations Manual may be accessed free of charge online at

https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_ltcf.pdf.

(b) Facilities having patients who are ventilator assisted individuals shall:

- (1) administer respiratory care in accordance with 42 CFR Part 483.25(i), and the federal State Operations Manual F695;
- (2) administer respiratory care in accordance with the scope of practice for respiratory therapists defined in G.S. 90-648; and
- (3) provide pulmonary services from a physician who has training in pulmonary medicine. The physician shall be responsible for respiratory services and shall:
 - (A) establish with the respiratory therapist and nursing staff, ventilator policies and procedures, including emergency procedures;
 - (B) assess each ventilator assisted patient's status at least monthly with corresponding progress notes;
 - (C) respond to emergency communications 24 hours a day; and
 - (D) participate in individual care planning.

(c) Direct care nursing personnel staffing ratios established in Rule .2303 of this Subchapter shall not be applied to nursing services for patients who are ventilator assisted at life support settings. The minimum direct care nursing staff shall be 5.5 hours per patient day, allocated on a per shift basis as the facility chooses; however, in no event shall the direct care nursing staff fall below a registered nurse and a nurse aide I at any time during a 24-hour period.

*History Note: Authority G.S. 131E-104;
RRC objection due to lack of statutory authority Eff. July 13, 1995;
Eff. January 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015;
Amended Eff. January 1, 2021.*