

Press release

CMS Announces Resumption of Routine Inspections of All Provider and Suppliers, Issues Updated Enforcement Guidance to States, and Posts Toolkit to Assist Nursing Homes

Aug 17, 2020 | Clinical labs, Nursing facilities, Safety

Guidance outlines recommendations to state agencies on Clinical Laboratory Improvement Amendments of survey activities

Today, the Centers for Medicare & Medicaid Services (CMS) announced it will resume routine inspections of all Medicare and Medicaid certified providers and suppliers to improve the safety and quality of life of patients and residents. CMS had previously suspended certain routine inspections as part of its response to the coronavirus disease 2019 (COVID-19) pandemic to prioritize infection control and immediate jeopardy situations and to give health care providers and suppliers time needed to respond to the spread of COVID-19.

“At President Trump’s direction, CMS has worked closely with states to complete focused infection control surveys of virtually all nursing homes in the country in just a few months,” said CMS Administrator Seema Verma. “These surveys fortified healthcare facilities around the country to prepare for and implement actions to prevent transmission of the virus and provided indispensable insight into the situation on the ground. As CMS resumes some survey and enforcement activities that were previously put on hold, the health and safety of America’s patients will always be our top priority.”

In the guidance released today, CMS directed the resumption of onsite revisit surveys, non-immediate jeopardy complaint surveys and annual recertification surveys as soon as resources are available. In addition, CMS is providing guidance on resolving enforcement cases that were previously on hold because of survey prioritization changes. The agency will also temporarily expand the desk review policy, when state surveyors ensure that facilities return back into compliance with Federal requirements without an onsite survey, to include all noncompliance reviews except for immediate jeopardy citations that have not been removed.

On July 31, CMS posted the latest results from the targeted nursing home infection-control inspections. Since March 4, CMS and its network of state-based inspectors have conducted more than 15,158 surveys, reflecting a 98.5 percent completion rate, with a total of 16,987 survey reports publicly available on Nursing Home Compare. CMS has imposed more than \$15 million in civil money penalties (CMPs) to more than 3,400 nursing homes during the public health emergency for noncompliance with infection control requirements and the failure to report COVID-19 data.

CMS is also issuing updated guidance for the re-prioritization of routine state survey agency activities on Clinical Laboratory Improvement Amendments. This updated guidance will provide flexibility and discretion to state survey agencies so that they can resume their survey activities based on the status of COVID-19 infections in their states.

CMS is also posting updates to the “Toolkit on State Actions to Mitigate COVID-19 Prevalence in Nursing Homes.” The toolkit details actions and best practices by organizations, state governments nationwide, and U.S. territories to assist nursing homes in meeting the needs of nursing home residents since the onset of the pandemic. The toolkit is updated on an ongoing basis to ensure it contains the most recent information available for providers and administrators of nursing homes to learn from an array of creative plans that state governments and other public health entities have put in place in a short period of time to contain the spread of the virus in nursing homes and meet the needs of America’s most vulnerable

CMS is committed to protecting the beneficiaries it serves. The agency develops and enforces federal safety standards across the healthcare system. CMS’s network of federal and state inspectors, as well as private accrediting organizations for some types of providers with programs approved by CMS, physically visit Medicare and Medicaid-participating health care providers to ensure compliance with these standards – including over 15,000 Medicare and Medicaid certified nursing homes.

To view memo to state agencies, please go here: <https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfopolicy-and-memos-states-and/enforcement-cases-held-during-prioritization-period-and-revised-survey-prioritization>

To view toolkit to nursing homes, please go here: <https://www.cms.gov/files/document/covid-toolkit-states-mitigate-covid-19-nursing-homes.pdf>

**CMS Public Health Action for Nursing Homes on COVID-19 as of August 14,
2020**

- February 6, 2020 CMS took action to prepare the nation's healthcare facilities for the COVID-19 threat.
- March 4, 2020 CMS issued new guidance related to the screening of entrants into nursing homes.
- March 10, 2020 CMS issued guidance related to the use of PPE.
- March 13, 2020 CMS issued guidance on the restriction of nonessential medical staff and all visitors except in certain limited situations.
- March 23, 2020 CMS announced a suspension of routine inspections, and an exclusive focus on immediate jeopardy situations and infection control inspections.
- March 30, 2020 CMS announced that hospitals, laboratories, and other entities can perform tests for COVID-19 on people at home and in other community-based settings outside of the hospital - including nursing homes.
- April 2, 2020 CMS issued a call to action for nursing homes and state and local governments reinforcing infection control responsibilities and urging leaders to work closely with nursing homes on access to testing and PPE.
- April 15, 2020 CMS announced the agency will nearly double payment for certain lab tests that use high-throughput technologies to rapidly diagnose large numbers of COVID-19 cases.
- April 19, 2020 CMS announced it will require nursing homes to report cases of COVID-19 to all residents and their families, as well as directly to the CDC. On May 1, CMS published the proposed policy in an Interim Final Rule. The rule became effective on May 8.

- April 30, 2020 CMS announced the formation of an independent commission by a contractor that will conduct a comprehensive assessment of the nursing home response to COVID-19.
- May 6, 2020 CMS released a memorandum to State Survey Agency directors providing more details on the new reporting requirements of the May 8, 2020, Interim Final Rule.
- May 13, 2020 CMS published a new informational toolkit comprising recommendations and best practices from a variety of front line health care providers, governors' COVID-19 task forces, associations and other organizations and experts that is intended to serve as a catalogue of resources dedicated to addressing the specific challenges facing nursing homes as they combat COVID-19. Toolkit is found here: Toolkit
- May 18, 2020 CMS issued guidance for state and local officials on the reopening of nursing homes.
- June 1, 2020 CMS issued guidance to states on COVID-19 survey activities, CARES Act funding, enhanced enforcement for infection control deficiencies, and quality improvement activities in nursing homes. CMS also issued a letter to Governors.
- June 4, 2020 CMS posted the first set of underlying COVID-19 nursing home data and results from targeted inspections conducted by the agency since March 4, 2020, linked on Nursing Home Compare.
- June 19, 2020 CMS announced membership of Independent Coronavirus Commission on Safety and Quality in nursing homes
- June 23, 2020 CMS released FAQs on nursing home visitation.
- June 25, 2020 CMS released a memo announcing the end of the emergency blanket waiver for the nursing home staffing data submission requirement.

- July 10, 2020 CMS announced it will deploy Quality Improvement Organizations (QIOs) across the country to provide immediate assistance to nursing homes in hotspot areas.
- July 14, 2020 HHS and CMS announced an initiative for rapid point-of-care diagnostic devices and tests in nursing homes.
- July 22, 2020 CMS announced several new initiatives designed to protect nursing home residents from COVID-19, including new funding, enhanced testing and additional technical assistance and support.
- August 7, 2020 HHS announced the distribution of \$5 billion in Provider Relief Funds, consistent with the Administration's announcement in late July, which will be used to protect residents of nursing homes and long-term care facilities from the impact of COVID-19.
- August 14, 2020 CMS released nursing home enforcement actions during pandemic.

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