



GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION

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Memo 20-30

To: Administrator, DNS, Medical Director, Infection Preventionist and QA Committee

From: Mary Gracey-White RN, Director of Regulatory Compliance

Date: August 18, 2020

Re: CMS Update: Survey Process

Please be advised that CMS has issued Memorandum 20-35 (attached) stating that routine survey activities will resume once a State has entered Phase 3. As outlined in CMS Memorandum 20-20 surveys were prioritized to include Infection Control surveys and Immediate Jeopardy and recertification surveys were suspended.

CMS has outlined that States should resume performing the following surveys as soon as they have the resources (e.g., staff and/or Personal Protective Equipment) to do so:

- Annual recertification surveys required to be conducted within 15 months from a provider's last recertification survey.
- Onsite revisits as specified in the revisit policy in the State Operations Manual (SOM), Chapter 7, Section 7317.2, for surveys with end dates on, or after June 1, 2020.
- Complaint investigations that are triaged as Non-Immediate Jeopardy Medium

In addition, surveyors will continue to use the COVID-19 Focused Infection Control Survey part of any survey that is conducted.

Including in the Memorandum are updates to **federal** enforcement actions that were suspended during the pandemic. CMS outlined four components:

1. Expanding the Desk Review policy for Plans of Corrections (POCs)- State surveyors can perform desk reviews for all open surveys that cited any level of noncompliance, including noncompliance that was cited at the IJ level, when the IJ finding has been verified as removed to a lower level of noncompliance, or corrected. This does not apply



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to any unremoved IJs, which still require an onsite revisit. (this desk review policy applies only to outstanding enforcement actions that were held from March 23, 2020, through May 31, 2020).

2. Processing enforcement cases that were started before March 23, 2020.
3. Processing enforcement cases that were started on March 23, 2020, THROUGH May 31, 2020
4. Processing enforcement cases that were started on or after June 1, 2020.

Questions about a specific enforcement cycle may be addressed with the specific CMS location. Facilities can reach out to CMS at DNH_Enforcement@cms.hhs.gov. If you have questions, please contact the Association.