

**Dear Tribal Health Leader:**

Please see below for an announcement from the Centers for Medicare and Medicaid Services (CMS) regarding upcoming healthcare facility inspections. This may be of specific interest to Tribal communities currently working with their facilities on accreditation-related activities.

Tribal leaders may also want to note the statistic shared in the announcement, 147 nursing homes across 27 states have reported at least one resident with COVID-19. And while this is a small number (there are over 15,000 nursing homes nationwide), it clearly demonstrates a need for health care systems to continue protecting elders who are among the most vulnerable to COVID-19.

Within the statement, CMS explains that their decision allows for clinicians to focus on patients instead of the administrative tasks associated with inspections—this also allows the agency to prioritize its response to COVID-19 during this time of Public Health Emergency. The healthcare facilities sections and additional resource links are located in the bottom half of the email below.

**Immediate takeaways from the announcement—effective immediately:**

- First, there is a targeted focus by CMS on nursing homes and some facilities such as hospitals to ensure that they are keeping patients safe from the spread of COVID-19;
- There is a new, focused inspections process which includes existing CMS infections control inspection process with additions from the latest Centers for Disease Control and Prevention (CDC) guidance;
- CMS has temporarily postponed routine inspections, to focus on infection control and Immediate Jeopardy situations for the next few weeks— revisit inspections not associated with Immediate Jeopardy will be postponed;
- CMS will prioritize Immediate Jeopardy over recertification surveys for Clinical Laboratory Improvement Amendment (CLIA) laboratories;
- CMS is also encouraging health care systems to use their CMS self-assessment tool to ensure they are prepared to prevent the spread of COVID-19.



## **CMS NEWS**

FOR IMMEDIATE RELEASE

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### **CMS Announces Findings at Kirkland Nursing Home and New Targeted Plan for Healthcare Facility Inspections in light of COVID-19**

*Inspection at Kirkland facility inform Agency's move to further focused inspection process*

Today, the Centers for Medicare & Medicaid Services (CMS) is announcing the preliminary results of a recent inspection of the Life Care Center nursing home in Kirkland, Washington – the epicenter of the 2019 Novel Coronavirus (COVID-19) outbreak in that state. The inspection, which the Agency conducted with the Washington Department of Social & Health Services, has helped inform CMS's national strategy for keeping patients safe in nursing homes and other healthcare facilities. In keeping with the Trump Administration's aggressive moves to combat further spread of COVID-19, CMS is also utilizing flexibilities allowed by President Trump's Emergency Declaration to announce an enhanced, focused inspection process, informed in part by the Agency's experiences on the ground in Kirkland, and close coordination and input from the Centers for Disease Control and Prevention (CDC). This focused inspection process will be provided to all inspectors and facilities, and used on a national scale. Critically, this focused inspection process includes a self-assessment tool for providers to employ.

"The Trump Administration is keeping Americans safe by conducting thorough, yet targeted, inspections throughout the healthcare system, particularly in nursing homes, whose residents are more susceptible to dangerous complications from the virus," said CMS Administrator Seema Verma. "But patient safety starts with the front line healthcare provider, so we've developed a self-assessment tool in coordination with the CDC. Today, we're issuing a call to action to nursing homes, hospitals, and the entire healthcare system: Don't wait to be inspected. Starting today, you can – and should – use CMS's self-assessment tool to ensure you're prepared to prevent the spread of Coronavirus."

This new focused inspection process includes existing components of CMS's infection control inspection process, but adds actions based on the latest guidance from the CDC and CMS. CMS and state inspectors will use this new process to target and assess if certain facilities are prepared to meet CMS's expectations for preventing the spread of COVID-19. When gaps are identified, facilities will be required to take

corrective actions to close the gaps. For those facilities that aren't initially inspected, CMS urges them to use this as a tool to self-assess their own ability to prevent the spread of COVID-19. CMS also encourages residents and families to join the Agency in being proactive about nursing home safety. Residents and families should ask facility staff how the facility performed on its self-assessment.

COVID-19 has already begun to hit our most vulnerable citizens hard. On March 16, 2020, CMS and the Washington Department of Social & Health Services State Survey Agency concluded an inspection of the nursing home facility at the epicenter of the COVID-19 situation in Washington. Two federal surveyors conducted the onsite inspection, including observations of patient care, while Washington State staff assisted offsite by reviewing documents. The inspectors found three "Immediate Jeopardy" situations, which are situations in which a patient's safety is placed in imminent danger. Specifically, the facility's failure to rapidly identify and manage ill residents, notify the Washington Department of Health about the increasing rate of respiratory infection among residents, and failure to possess a sufficient backup plan following the absence of the facility's primary clinician, who fell ill.

"The coronavirus outbreak at Life Care was an unprecedented situation for the state of Washington," said Washington Department of Social & Health Services Secretary Cheryl Strange. "We have worked closely with our federal partners over the last several weeks to determine what led to the outbreak there and what contributed to its spread throughout the facility. We have learned valuable lessons. We are applying these lessons daily in our efforts to prepare long term care facilities throughout the state for the potential of COVID-19. Our regulatory teams are highly focused on visiting all nursing homes in Washington state to ensure those who care for some of our most vulnerable citizens are practicing proper infection control."

The Washington nursing home is far from the only nursing home affected by COVID-19. According to CDC data shared with CMS, 147 nursing homes across 27 states have at least one resident with COVID-19. Although 147 is a small fraction of the over 15,000 nursing homes across the country, given the disproportionate effect on our nation's older population, this is a cause for concern. Therefore, CMS and CDC are collaborating in real-time about nursing homes with active cases of COVID-19 and CMS is using this information to identify areas the virus is likely to strike next, and target inspections accordingly.

This targeting will be in full effect beginning immediately. This announcement builds on previous CMS guidance issued on March 4, 2020, which directed statutorily required inspections to focus on infection control and Immediate Jeopardy. CMS is now temporarily postponing routine inspections, to focus solely on infection control and Immediate Jeopardy. This action ensures that all CMS resources are focused on combatting COVID-19 and allows clinicians to do the same, focus on patient safety, not routine paperwork.

In this effort, CMS is not seeking to be punitive, but rather to respond to urgent issues while proactively ensuring providers are compliant with federal health and safety standards.

Under CMS' focused survey process, **only** the following types of federal inspections will be prioritized and conducted over the next few weeks:

- **Complaint inspections:** State survey agencies will continue to conduct inspections related to complaints and facility-reported incidents that are triaged at the Immediate Jeopardy level. Inspectors will use a streamlined Infection Control review tool, regardless of the Immediate Jeopardy allegation.
- **Targeted Infection Control inspections:** Federal and state inspectors will conduct targeted infection control inspections of providers identified through CMS collaboration with the Centers for Disease Control and Prevention (CDC). These inspectors will use a streamlined targeted review checklist to minimize the impact on provider activities, while ensuring providers are implementing actions to protect health and safety. This will consist of both onsite and offsite inspections.

- **Self-Assessments:** The Infection Control checklist referenced above will also be shared with providers and suppliers, to allow for self-assessment of their Infection Control plans. This may be the best solution in some cases when there is a lack of personal protective equipment or state surveyors available.

During this time frame, the following inspections will not be conducted:

- Standard inspections for nursing homes, hospitals, home health agencies, intermediate care facilities for individuals with intellectual disabilities, and hospices; and
- Revisit inspections not associated with Immediate Jeopardy.

During this time, CMS will prioritize Immediate Jeopardy investigations over recertification surveys for Clinical Laboratory Improvement Amendment (CLIA) laboratories. CMS will use enforcement discretion, unless Immediate Jeopardy situations arise. Finally, initial inspections will be conducted in accordance with current guidance and prioritization.

The new focused inspection tool for inspectors – one for long-term care and one for other providers – operationalize the latest guidance from CMS and CDC to control and prevent the transmission of the virus. During the three-week period during which inspectors will conduct only the immediate jeopardy inspections, CMS will work with providers and inspectors to provide additional training related to infection control.

Today's action from CMS builds on the White House Coronavirus Task Force's efforts to give front line providers guidance on how to protect patients by preventing spread of COVID-19. This direction applies to inspections of all Medicare and Medicaid certified provider and supplier types across the country, including nursing homes, hospitals, and laboratories under CLIA. CMS will continue to evaluate the survey prioritization as this situation evolves, and will provide additional guidance as needed. CMS continues to work with providers and clinicians to ensure they have all the information and tools they need to keep their patients and residents safe.

To view the fact sheet, visit: <https://www.cms.gov/newsroom/fact-sheets/kirkland-washington-update-and-survey-prioritization-fact-sheet>

CMS Administrator Seema Verma press call remarks available here:

<https://www.cms.gov/newsroom/press-releases/cms-administrator-seema-vermas-remarks-prepared-delivery-updates-healthcare-facility-inspections>.

This [guidance](#), and earlier CMS actions in response to the COVID-19 virus, are part of the ongoing White House Task Force efforts. To keep up with the important work the Task Force is doing in response to COVID-19 click here [www.coronavirus.gov](http://www.coronavirus.gov). For information specific to CMS, please visit the [Current Emergencies Website](#).

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