



Center for Clinical Standards and Quality/Survey & Certification Group

Ref: S&C 17-29-ALL

DATE: June 02, 2017

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Advanced Copy- Appendix Z, Emergency Preparedness Final Rule Interpretive Guidelines and Survey Procedures

Memorandum Summary

- **Advanced Copy of Interpretive Guidelines:** The Centers for Medicare & Medicaid Services (CMS) is releasing a new Appendix Z of the State Operations Manual (SOM) which contains the interpretive guidelines and survey procedures for the Emergency Preparedness Final Rule.
- **Affects all 17 providers and suppliers:** Appendix Z applies to all 17 providers and suppliers included in the Final Rule.

Background

On September 16, 2016, the final rule on Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers was published (Federal Register Vol. 81, No. 180). This rule affects all 17 provider and supplier types eligible for participation in Medicare. The rule became effective on November 15, 2016 and will be implemented on November 15, 2017.

Interpretive Guidance

An advanced copy of the interpretive guidelines and survey procedures is available and will be incorporated into the SOM under Appendix Z and applies to all 17 provider and supplier types. Since the Conditions of Participation (CoPs), Conditions for Coverage (CfCs) and requirements apply across providers and suppliers and only vary slightly, CMS has compiled the requirements under one appendix.

Note: For ease of understanding the guidelines, we have kept this copy as a clean copy without red italics. The final version that will be incorporated into the on-line SOM may vary slightly. The final SOM version is the final policy.

Understanding the Tags for Surveyors

Similar to how Life Safety Code (LSC) requirements have a set of K-Tags that are utilized for citations for multiple provider and supplier types, the emergency preparedness requirements will have a set of tags that will be utilized to cite non-compliance for all 17 provider and supplier types included in the final rule. The tags for emergency preparedness will be “E” Tags and accessible to both health and safety surveyors and LSC Surveyors. State survey agencies will have discretion regarding whether the LSC or health and safety surveyors will conduct the emergency preparedness surveys. **Note: Surveying for compliance with the emergency preparedness requirements does not begin before November 15, 2017.**

The current survey processes and enforcement procedures for each provider and supplier type will remain the same.

We will also be posting an Excel Spreadsheet in which surveyors may filter by their provider/supplier types by selecting “yes” to determine which tags apply to which provider. The location of the document will be <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Emergency-Prep-Rule.html>, under downloads.

Contact: For questions regarding the Emergency Preparedness Rule, please contact SCGEmergencyPrep@cms.hhs.gov.

Effective Date: Immediately. This policy should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/

David R. Wright

Attachment- Advanced Copy Appendix Z, Emergency Preparedness Interpretive Guidelines

cc: Survey and Certification Regional Office Management

The contents of this letter support activities or actions to improve patient or resident safety and increase quality and reliability of care for better outcomes.