

Eli's Hospice Insider

Compliance: Use Emergency Preparedness Interpretive Guidelines To Get In Compliance Before It's Too Late

Warning: You must conduct testing before November.

If you've been waiting (against CMS's advice) to move forward with your compliance plans for the emergency preparedness rule issued last September, your wait is over. The **Centers for Medicare & Medicaid Services** has issued an advanced copy of the interpretive guidelines and survey procedures.

Remember: Requirements from the emergency preparedness final rule, which takes effect Nov. 15, 2017, will apply to all 17 provider and supplier types, CMS says on its website. "Each provider and supplier will have its own set of Emergency Preparedness regulations incorporated into its set of conditions or requirements for certification," the agency explains.

"An advanced copy of the interpretive guidelines and survey procedures is available and will be incorporated into the [State Operations Manual] under Appendix Z and applies to all 17 provider and supplier types," CMS says in a June 2 Survey & Certification memo about the guidelines. "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."

In a March survey & cert memo, CMS told providers they have until Nov. 15 to meet the rule requirements — including the training and testing requirements.

Question: "Many providers and suppliers have asked whether they will be expected to have completed the 'exercises' per the training and testing requirements in each standard (d) of the Final Rule, by the implementation date," CMS notes in memo S&C 17-21-ALL.

Answer: "Because the Final Rule has an implementation date of November 15, 2017, one year following the effective date, providers and suppliers are expected to meet the requirements of the training and testing program by the implementation date," CMS confirmed in the memo. "In order to meet these requirements, we strongly encourage providers and suppliers to seek out and to participate in a fullscale, community-based exercise with their local and/or state emergency agencies and health care coalitions and to have completed a tabletop exercise by the implementation date."

CMS chastised providers who were waiting on the Guidelines. "Some providers and suppliers are waiting for the release of the interpretive guidance to begin planning these exercises, but that is not necessary nor is it advised," CMS said. "Providers and suppliers that are found to have not completed these exercises, or any other requirements of the Final Rule upon their survey, will be cited for non-compliance."

The guidelines are available via a link on CMS's webpage at www.cms.gov/medicare/provider-enrollment-and-certification/surveycertemergprep/emergency-prep-rule.html. See the 72-page memo, which includes information on finding testing resources, at www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Survey-and-Cert-Letter-17-29.pdf.