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CMS Brings Back Surveys, Enforcement for All Providers, Suppliers

By Nina Youngstrom

Surveys of compliance with the Medicare conditions of participation are coming back for all types of providers and suppliers, although there will be deference to the infection risks of COVID-19, according to an Aug. 17 CMS memo.[1] Enforcement actions that had been put on hold because of the public health emergency (PHE) also will start to be resolved with a mix of on-site and desk reviews.

CMS had suspended nonemergency surveys in a March 4 memo[2] so facilities could focus on the coronavirus. State surveyors have limited their survey activities to serious health and safety threats and for months stuck largely to immediate jeopardy and complaint-driven reviews. In particular, "the summer focus for state surveyors was on nursing homes, because there were so many outbreaks with patients dying," said Mary Ellen Palowitch, former EMTALA technical lead in the CMS Quality, Safety & Oversight Group who is now with Dentons US LLP in Washington, D.C. CMS said[3] Aug. 14 it had fined 3,400 nursing homes more than $15 million during the public health emergency (PHE) for noncompliance with infection control requirements and failure to report COVID-19 data.

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