



Center for Clinical Standards and Quality/Survey & Certification Group

Ref: S&C 17-05-ALL

DATE: October 28, 2016

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Information on the Implementation Plans for the Emergency Preparedness Regulation

Memorandum Summary

- **Information for Implementation:** The Centers for Medicare & Medicaid Services (CMS) Survey and Certification Group is providing general information regarding the implementation plans for the new Emergency Preparedness Rule. The information addresses the implementation date for providers and suppliers, the development of Interpretive Guidelines (IGs), surveyor training and resources available to assist in the implementation of this regulation.
- **Affects all 17 providers and suppliers:** The regulation affects all 17 providers and suppliers and must be fully implemented by November 15, 2017.

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 becomes effective on November 15, 2016. However, health care providers and suppliers affected by this rule have until November 15, 2017 to implement the new requirements and be in full compliance. Surveyors will begin evaluating the new requirements after November 15, 2017. Providers and suppliers found out of compliance with the new regulations will be cited for non-compliance and must follow standard procedures for correcting deficiencies.

Interpretive Guidance

Interpretive guidelines and survey procedures will be developed and are anticipated to be published in the spring of 2017. Therefore, until the guidance is published we will not be able to answer most questions regarding the requirements and survey procedures. Once the guidance is published providers and suppliers will have several months to prepare for implementation.

Training

CMS is currently working to develop training for surveyors. The training will be web-based and self-paced. We anticipate the training to be available in the spring of 2017. More training information will be sent at a later date.

Resources

The Assistant Secretary for Preparedness and Response's (ASPR's) Technical Resources, Assistance Center, and Information Exchange (TRACIE) team is another resource where providers/suppliers can look to when developing emergency plans. TRACIE can be accessed via <https://www.asprtracie.hhs.gov/>. We recommend that facilities use this resource.

Additionally, to assist providers and suppliers in meeting the requirements of the new rule, CMS has developed a website that contains various resources such as checklists, links to emergency preparedness agencies, planning templates and many other valuable resources. In addition, the website also provides a State-by-State listing of Health Care Coalitions which are available to States to connect with knowledgeable health care emergency preparedness officials. The information can be found at our website at <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Emergency-Prep-Rule.html>.

In addition, on October 5, 2016, CMS hosted a Medicare Learning Network (MLN) call to discuss the requirements of the regulation and answer questions. The audio recording and written transcript are available on the MLN Connects National Provider Calls and Events webpage located at <https://www.cms.gov/Outreach-and-Education/Outreach/NPC/National-Provider-Calls-and-Events.html>.

Frequently Asked Questions

Due to the large volume of questions CMS has received and continues to receive, CMS has developed a Frequently Asked Questions (FAQ) document to assist State Agencies Regional Offices, Accreditation Organizations and providers and suppliers in answering their questions. The FAQs are based on questions that CMS has already received since the publication of the final rule and will be updated as new questions are received. We encourage anyone with questions about the new rule to please review the FAQs before submitting their questions.

Please note that due to the volume of questions being received we may not be able to respond directly to all inquiries. The majority of questions will be answered and clarified through the publication of interpretive guidance. The FAQs can be found on the Survey & Certification emergency preparedness web page via the following link:

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/index.html>

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

cc: Survey and Certification Regional Office Management