Friday, March 6, 2020

On March 4, 2020, the Centers for Medicare & Medicaid Services (“CMS”) announced several measures aimed at preventing the spread of the Novel Coronavirus 2019 (“COVID-19”). Described by CMS Administrator Seema Verma as representing “a call to action across the health care system,” these actions serve to ensure health care facilities have updated information to be able to effectively respond to COVID-19 and thereby protect patients and residents.

CMS announced the following actions:

1. CMS instructed health care providers across the county to activate their infection control procedures. Maintaining infection control and prevention policies and procedures is a requirement for participating in the Medicare and Medicaid program.

2. CMS instructed State Survey Agencies and Accrediting Organizations to focus their facility inspections exclusively on issues related to infection control and other serious threats to health and safety (e.g. allegations of abuse) in order to allow inspectors to focus primarily on addressing the spread of COVID-19.

3. CMS issued three (3) memoranda to State Survey Agencies, State Survey Agency directors and Accrediting Organizations to provide guidance for inspecting the thousands of health care providers that participate in Medicare, including nursing homes and hospitals. The first memorandum suspends all non-emergency inspections, provides information related to the focus of surveys on
infection control and includes protocol for the inspection process if COVID-19 is identified or suspected and guidance related to the inspectors’ use of protective equipment. The second memorandum and the third memorandum address common questions that may arise for nursing homes and hospitals when addressing instances of COVID-19, including screening staff and visitors, the process for patient transfer in cases where COVID-19 is diagnosed or suspected, and when to take precautionary measures (e.g. isolation or mask wearing).

4. CMS is utilizing an infection prevention specialist to the Centers for Disease Control and Prevention’s headquarters in Atlanta to provide real-time guidance.

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