



To: Centers for Medicare and Medicaid Services, Central Mountain Division:
Denver/Kansas City Regional Office
Colorado Health Facility Providers
Colorado Provider Trade Associations
Colorado Department of Public Safety, Division of Fire Prevention and Control

Cc: Health Care Policy & Financing
Colorado Ombudsman

From: Health Facilities & Emergency Medical Services Division
Colorado Department of Public Health & Environment

RE: Background & Plan for Resumption of Routine Health Facility Inspections

Date: September 25, 2020

Background & Introduction

On Friday, March 13, 2020, the President declared a national emergency due to the COVID-19 public health emergency (PHE), which triggered the Secretary's ability to authorize waivers or modifications of certain requirements pursuant to section 1135 of the Social Security Act (the Act). Under section 1135(b)(5) of the Act, the Centers for Medicare and Medicaid Services (CMS) prioritized surveys by authorizing modification of timetables and deadlines for the performance of certain required activities.

On March 4, 2020, CMS issued [QSO-20-12-All](#) announcing a suspension and prioritization of surveys. On March 23, 2020, CMS issued the [QSO 20-20-All](#) memorandum, which further limited survey activity to focused infection control surveys, investigation of complaints and facility reported incidents alleging immediate jeopardy (IJ) to patient/resident health and safety, and revisit surveys necessary to verify removal of previously identified IJ deficiencies. After review and careful consideration of the above CMS directives, the Health Facilities and Emergency Medical Services Division (HFEMSD) replicated the same immediate re-prioritization of survey workload for federal, state licensed and certified provider workload (in partnership with Health Care Policy & Financing) effective March 4th and 23rd, 2020 so to protect persons receiving care in various health facility settings across Colorado.

As of August 17, 2020, CMS issued [QSO-20-35-All](#) revising guidance on the expansion of survey activities to authorize onsite revisits and other survey types. More specifically, the memo revised previous guidance to authorize additional onsite surveys and detailed that **states should resume performing routine health facility inspections as soon as they have the resources (e.g., staff and/or Personal Protective Equipment) to do so.** Thus, given Colorado's current expansive testing capacity, reliable rate of return of results, HFEMSD's adequate personal protective equipment supply, training, and testing for all health and life safety code survey staff, the division will be returning to routine health facility inspections with the following prioritizations.

Plan & Priorities for the Resumption of Routine Health Facility Inspections

The following criteria and prioritizations have been identified for Long-Term Care and Non-Long Term Care providers. For the Health Facilities and Emergency Medical Services Division, the following prioritization applies for federal certification, state licensing and state certification workload:



Long Term-Care:

- Continue to conduct the federal infection control surveys as required in memo [QSO 20-31- All](#)
- Onsite revisits as specified in the revisit policy in the State Operations Manual (SOM), Chapter 7, Section 7317.2, for surveys with end dates on, or after June 1, 2020;
- Complaint investigations that are triaged as Non-Immediate Jeopardy High;
- Initial certification surveys of new providers and;
- Annual recertification surveys required to be conducted within 15 months from a provider's last recertification survey

Non-Long Term Care (including state licensed and state certification workload):

- Continue to conduct the federal infection control surveys as required in memo [QSO 20-31- All](#)
- Revisit surveys for past non-compliance that do not otherwise qualify for a desk review;
- Complaint surveys triaged as non-IJ level or higher that have not been completed;
- Special Purpose Renal Dialysis Facilities (SPRDFs);
- Initial surveys of new providers (licensed and certified);
- Past-due recertification surveys with a statutorily required survey interval;
- Past-due recertification surveys without a statutorily required survey interval;
- Past-due licensure and state certified surveys with a statutorily required survey interval; and
- Past-due recertification surveys without a statutorily required survey interval

Any questions or comments regarding the resumption of standard workload inspections can be directed to the respective survey program via the general division line at 303.692.2836.

