

July 1, 2020

**State and CMS Survey Guidance for
Home Care Agencies, Home Care Registries, Home Health Care Agencies,
Hospices, Birth Centers, and Prescribed Pediatric Extended Care Centers
during the COVID-19 Pandemic**

On June 3, 2020, Governor Tom Wolf renewed the Proclamation of Disaster Emergency issued on March 6, 2020, to enable agencies to respond promptly to the novel Coronavirus disease (COVID-19) for 90 days. To slow the spread of coronavirus disease 2019 (COVID-19) into Pennsylvania, and consistent with the guidance issued by the [Centers for Medicare & Medicaid Services \(CMS\)](#) the Department of Health (Department) issued guidance on March 31, 2020, *State and CMS Survey Guidance for Health Care Facilities during the COVID-19 Pandemic*, to identify the Department's prioritization of survey activities.

As mitigation efforts have helped to curtail the spread of COVID-19, the Department has instituted a plan for the reopening of the Commonwealth. The reopening plan institutes three phases with differing degrees of restrictions. The three separate phases are coordinated by color (red, yellow, and green) to indicate most restrictive to least restrictive.

This guidance supersedes the previously issued guidance to the extent that the previously issued guidance applied to the following agencies:

- Home care agencies (HCA);
- Home care registries (HCR);
- Home health care agencies (HHA);
- Hospices;
- Birth centers; and
- Prescribed Pediatric Extended Care Centers (PECC).

The purpose of this guidance is to inform facilities how the Department will conduct surveys of facilities located in counties that have moved to the yellow and green phases of the Governor's reopening plan. This guidance is effective immediately.

Coordination with CMS on Prioritization of Survey Activities

The Department acts as the State Survey Agency (SSA) for CMS. Accordingly, when acting in its dual capacity as the SSA and the state regulatory authority, the Department will follow CMS directives, including those relating to prioritizations of surveys. CMS directives for SSAs relating to HHAs and hospices are incorporated by reference in this guidance.

State Licensure Surveys

Unless otherwise noted, the below guidance applies to HCAs, HCRs, HHAs, hospices, birth centers, and PECCs.

Initial Licensure Surveys

Hospices with inpatient units, Birth Centers, PECCS, HCAS and HCRs:

The Department will conduct initial licensure surveys for all facilities located in counties designated as in the “yellow” or “green” phase of reopening. Initial licensure surveys will take place on-site, though the Department may conduct portions of the survey off-site if an off-site survey would not affect patient safety or quality assurance.

HHAs and Hospices:

The Department will follow CMS directives for initial licensure/certification surveys for HHAs and hospices.¹ Unless otherwise directed, the Department will prioritize initial licensure surveys based upon date of request.

License Renewal Surveys

The Department will conduct state licensure renewal surveys for facilities located in counties designated as in the “yellow” or “green” phase of reopening.

HCA, HCR, HHA, Hospice, Birth Center and PECC:

Any license due to expire on or before August 31, 2020, including those that were extended under the initial survey guidance issued on March 31, 2020, will be extended an additional 90 days from the date of expiration. This extension includes provisional licenses.

HCA, HCR., Birth Center and PECC:

State licensure renewal surveys will be scheduled based upon the expiration of the facility’s license.

¹ <https://www.cms.gov/medicare/quality-safety-oversight-general-information/coronavirus>

HHAs and Hospices:

Medicare-certified HHA and hospice state licensure renewal surveys will be scheduled based upon the expiration date of the facility's license if the CMS recertification date is not the same as the license expiration date.

If a license that was extended is renewed upon completion of a license renewal survey, the license will reflect the facility's original expiration date and not the extended license date. For example, if the facility's license expired on April 31, 2020 and pursuant to the Department's guidance, was extended for two 90-day periods to October 31, 2020, the renewed license the facility receives will reflect a renewal term from the original license expiration date (April 30, 2020) to April 30, 2021.

Complaint Surveys

Complaint surveys will continue to be conducted for **all facilities identified above**, regardless of the phase of reopening of the county where the facility is located. Complaints containing allegations that a facility has caused or is likely to cause serious injury, harm, impairment, or death to a patient or consumer will continue to be conducted on-site.

Complaint surveys in response to allegations that do not rise to that level will generally take place on-site, though the Department may conduct the survey, or portions of the survey, off-site if the off-site survey or review would not affect patient or consumer safety or quality assurance.

In addition to the guidance in this section, the Department will follow CMS directives for complaint surveys, including prioritization for Medicare-certified HHAs and hospices.

Occupancy Surveys

Occupancy surveys conducted by the Department's Divisions of Home Health (DHH) and Safety Inspection (DSI) that are not part of an initial licensure survey will be completed in accordance with the following:

DHH Occupancy Surveys for Hospices with inpatient units, Birth Centers and PECCS:

DHH will conduct occupancy surveys in counties in the "yellow" or "green" phase of reopening. DHH occupancy surveys may also be conducted for facilities in counties in the "red" phase of reopening if the area being surveyed has not been occupied by patients since March 1, 2020 and Department staff would not have to enter or pass through any occupied spaces to conduct the survey.

DHH occupancy surveys will be conducted onsite for all alterations, renovations, or construction relating to patient care areas unless DHH determines that an offsite review would not compromise quality assurance or patient safety.

DSI Occupancy Surveys for Hospices with inpatient units, Birth Centers and PECCS

DSI will conduct occupancy surveys in counties in the “yellow” or “green” phase of reopening. DSI occupancy surveys may also be conducted for facilities in counties in the “red” phase of reopening if the area being surveyed has not been occupied by patients since March 1, 2020 and Department staff would not have to enter or pass through any occupied spaces to conduct the survey.

DSI occupancy surveys will be conducted onsite unless DSI determines that an offsite review would not compromise quality assurance or patient safety.

Other Information

When a Department surveyor has need to enter a HCA, HCR, HHA, hospice, birth center, or PECC for any of the reasons stated above, the surveyor will follow appropriate infection control measures as provided by the Centers for Disease Control and Prevention (CDC) guidance and comply with the facility’s screening protocols.

With the Governor’s authorization as conferred in the Proclamation of Disaster Emergency on March 6, 2020, as renewed on June 3, 2020, all statutory and regulatory provisions that would impose an impediment to implementing this guidance are suspended. Those suspensions will remain in place while the Proclamation of Disaster Emergency remains in effect.