

September 28, 2020

State and CMS Survey Guidance for Hospitals, Ambulatory Surgical Facilities, and Abortion Facilities During the COVID-19 Pandemic

On **August 31**, 2020, Governor Tom Wolf **signed the second** renewal of 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 COVID-19 in 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.

The purpose of this guidance is to inform hospitals, ambulatory surgical facilities (ASFs) and abortion facilities (ABFs), collectively "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 updates the previously issued survey guidance **dated July 3, 2020**.

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 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 hospitals, ASFs, and ABFs are incorporated by reference in this guidance.

State Licensure Surveys

Unless otherwise noted, the below guidance applies to all hospitals, ASFs and ABFs.

Initial Licensure Surveys

The Department has conducted and will continue to conduct initial licensure surveys for all eligible facilities. 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.

In addition to the guidance in this section, the Department will follow CMS directives for initial licensure/certification surveys. Unless otherwise directed, the Department will prioritize initial licensure surveys based upon date of request.

License Renewal Surveys

Any hospital, ASF, or ABF license due to expire on or before **November 30, 2020**, including those that were extended under the initial survey guidance issued on March 31, 2020 **and updated survey guidance issued on July 3, 2020**, will be extended an additional 90 days from the date of expiration. This extension includes provisional licenses.

License renewal 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.

Hospital, ASF, and ABF state license 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 renewed license will reflect the original expiration date and not the extended license date. For example, if the facility license would have expired on **June 30, 2020** and pursuant to the Department's guidance, was extended for two 90-day periods to **December 31, 2020**, the renewed license the facility receives will reflect a renewal term from the original license expiration date (**June 30, 2020**) or **June 30, 2021** to **June 30, 2022**.

Complaint Surveys

Complaint surveys will continue to be conducted for all facilities. Complaints containing allegations that a hospital, ASF or ABF has caused or is likely to cause serious injury, harm, impairment, or death to a patient, resident, or client 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 portions of the survey off-site if an off-site survey or review would not affect patient safety or quality assurance.

The Department will follow the most current CMS directives, as applicable, including prioritization.

Occupancy Surveys

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

DAAC Occupancy Surveys

DAAC occupancy surveys will be conducted on-site for all alterations, renovations, or construction relating to patient care areas. Other DAAC occupancy surveys will occur on-site unless DAAC determines that an off-site review would not compromise quality assurance or patient safety.

DSI Occupancy Surveys

DSI occupancy surveys will be conducted on-site unless DSI determines that an off-site review would not compromise quality assurance or patient safety.

Closure Surveys

Hospital, ASF, and ABF closure surveys will not be prioritized by the Department over the other survey types described in this guidance for the duration of the Governor's Disaster Proclamation. Closure surveys will occur on-site unless the Department determines that portions of the closure plan can be verified off-site without compromising quality assurance, patient safety, or community impact.

Surveys Conducted by Accreditation Organizations

Accreditation Organizations (AOs) that have been approved by the Department must inform the Department in writing prior to conducting any surveys if any survey procedures have changed in response to COVID-19, including reliance on virtual surveys, and describe how the changed survey procedure meets or exceeds the Department's standards. The Department may refuse to accept the report of an AO if the AO cannot show the new standards meet or exceed the Department's standards.

Notice of Close Contact

If a facility becomes aware that a Department surveyor was in close contact with a confirmed or probable COVID-19 case in the course of any survey, the facility must provide notice to the Department surveyor as soon as practical but no later than 24 hours after the close contact is known.

For purposes of this section, close contact is defined by the Department's Health Alert Network ([525 – 09/14/20 – ALT – ALERT: Guidance for Patients Under Quarantine After Exposure to SARS-CoV-2](#) or its successor, which is hereby incorporated by reference.

Other Information

When a Department surveyor has need to enter a hospital, ASF, or ABF 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 issued on March 6, 2020, as renewed **for a second time** on **August 31**, 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.