# Session #:

Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) Program: CMS Updates

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# Objectives:

◈ *Participants will be able to describe from the presentation the six challenges experienced during the Public Health Emergency (PHE)*

◈ *Workforce shortages*

◈ *CMS Interim Final Rule COVID-19 vaccine immunization of staff among Medicare- and Medicaid-certified providers and suppliers.*

◈ *Top Survey deficiencies pre-PHE, PHE and post PHE*

◈ *Focused Fundamental Survey Process*

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# PHE Challenges for ICFs/IID:

- Active treatment

- Access to Personal Protective Equipment (PPE)

- Visitation

- Financial impact

- Staffing hiring and retention

- COVID Education and vaccinations for clients and staff

# Workforce shortages:

- ICF stakeholders have expressed significant concerns about staffing shortages prior to the PHE and especially during the PHE.

- 1135 waivers

- Federal and State COVID Relief funds

- Creative approaches to filling and retaining staff.

# COVID-19 vaccine staff immunization requirements:

- Standard: COVID-19 Vaccination of facility staff. The facility must develop and implement policies and procedures to ensure that all staff are fully vaccinated for COVID-19.
    1) Regardless of clinical responsibility or client contact, the policies and procedures must apply to the following facility staff, who provide any care, treatment, or other services for the facility and/or its clients:
    2) The policies and procedures of this section do not apply to the following facility staff:
    3) The policies and procedures must include, at a minimum, the following components:

# Top Survey Deficiencies CY19

## US 2019

1. W0249 Program Implementation
2. W0104 Governing Body
3. W0331 Nursing Services
4. W0369 Drug Administration
5. W0368 Drug Administration
6. W0454 Infection Control
7. W0149 Staff Treatment of Clients
8. W0159 QIDP
9. W0154 Staff Treatment of Clients
10. W0189 Staff Training Program

## OH 2019

1. W0249 Prog Implementation
2. W0331 Nursing Services
3. W0120 Services Provided with Outside Sources
4. W0488 Dining areas and service
5. W0369 Drug Administration
6. W0104 Governing Body
7. W0454 Infection Control
8. W0149 Staff Treatment of Clients
9. W0154 Staff Treatment of Clients
10. W0189 Staff Training Program

# Top Survey Deficiencies CY20

**US 2020**

1. W0455 Infection Control
2. W0104 Governing Body
3. W0249 Prog Implementation
4. W0331 Nursing Services
5. W0454 Infection Control
6. W0369 Drug Administration
7. W0368 Drug Administration
8. W0154 Staff Treatment of Clients
9. W0149 Staff Treatment of Clients
10. W0153 Staff Treatment of Clients

**OH 2020**

1. W0249 Prog Implementation
2. W0454 Infection Control
3. W0369 Drug Administration
4. W0104 Governing Body
5. W0331 Nursing Services
6. W0455 Infection Control
7. W0189 Staff Training Program
8. W0153 Staff Treatment of Clients
9. W0484 Dining areas and service
10. W0488 Dining areas and service

# Top Survey Deficiencies CY21

## US 2021
1. W0104 Governing Body
2. W0249 Program Implementation
3. W0455 Infection Control
4. W0331 Nursing Services
5. W0454 Infection Control
6. W0369 Drug Administration
7. W0154 Staff Treatment of Clients
8. W0368 Drug Administration
9. W0159 QIDP
10. W0149 Staff Treatment of Clients

## OH 2021
1. W0249 Program Implementation
2. W0454 Infection Control
3. W0104 Governing Body
4. W0455 Infection Control
5. W0331 Nursing Services
6. W0369 Drug Administration
7. W0488 Dining Areas and Service
8. W0368 Drug Administration
9. W0255 Program Monitoring and Change
10. W0460 Food and Nutrition Services
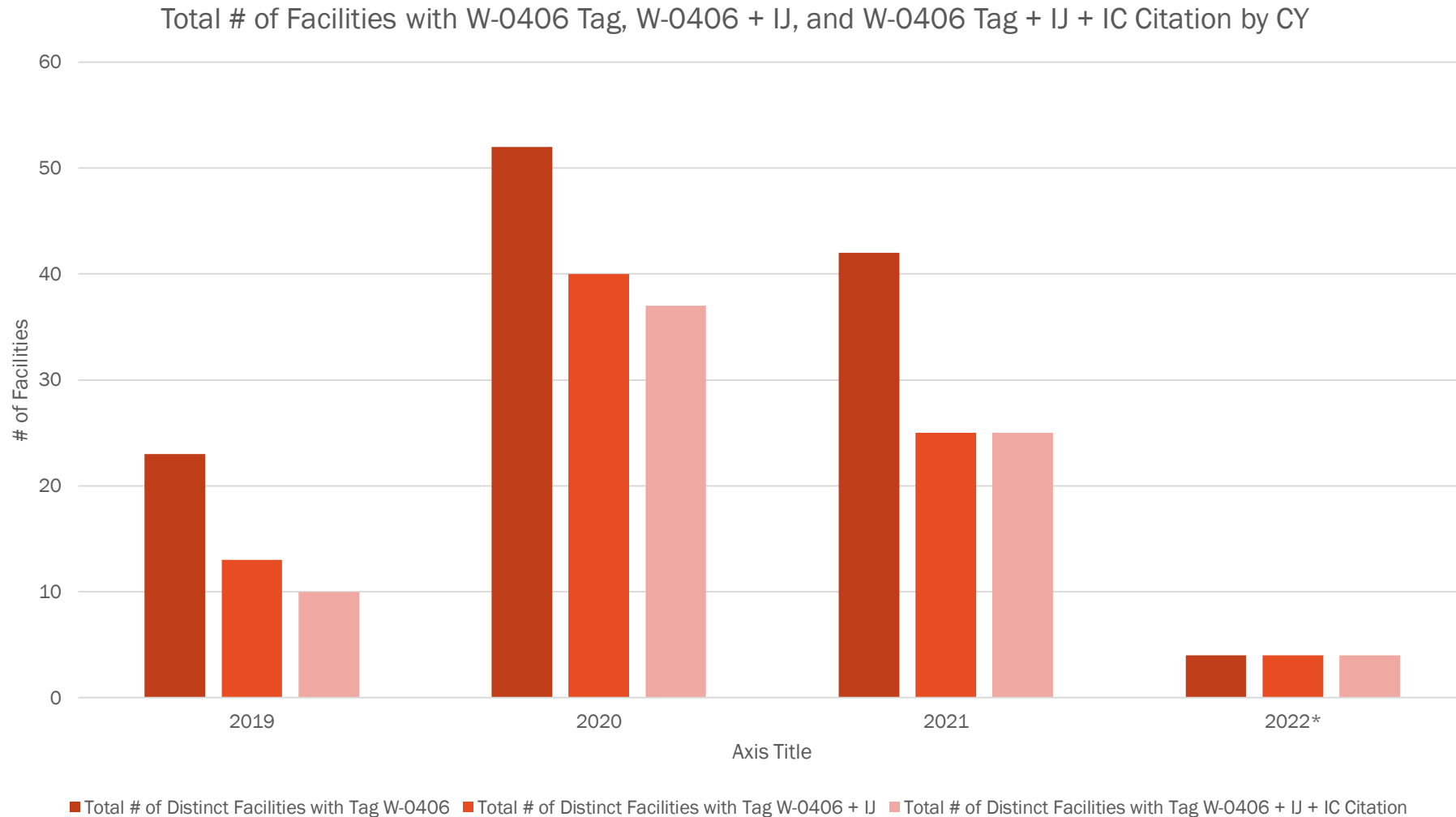
# Top Survey Deficiencies YTD22

## US 2022

1. W0455 Infection Control
2. W0104 Governing Body
3. W0249 Program Implementation
4. W0331 Nursing Services
5. W0454 Infection Control
6. W0369 Drug Administration
7. W0368 Drug Administration
8. W0154 Staff Treatment of Clients
9. W0149 Staff Treatment of Clients
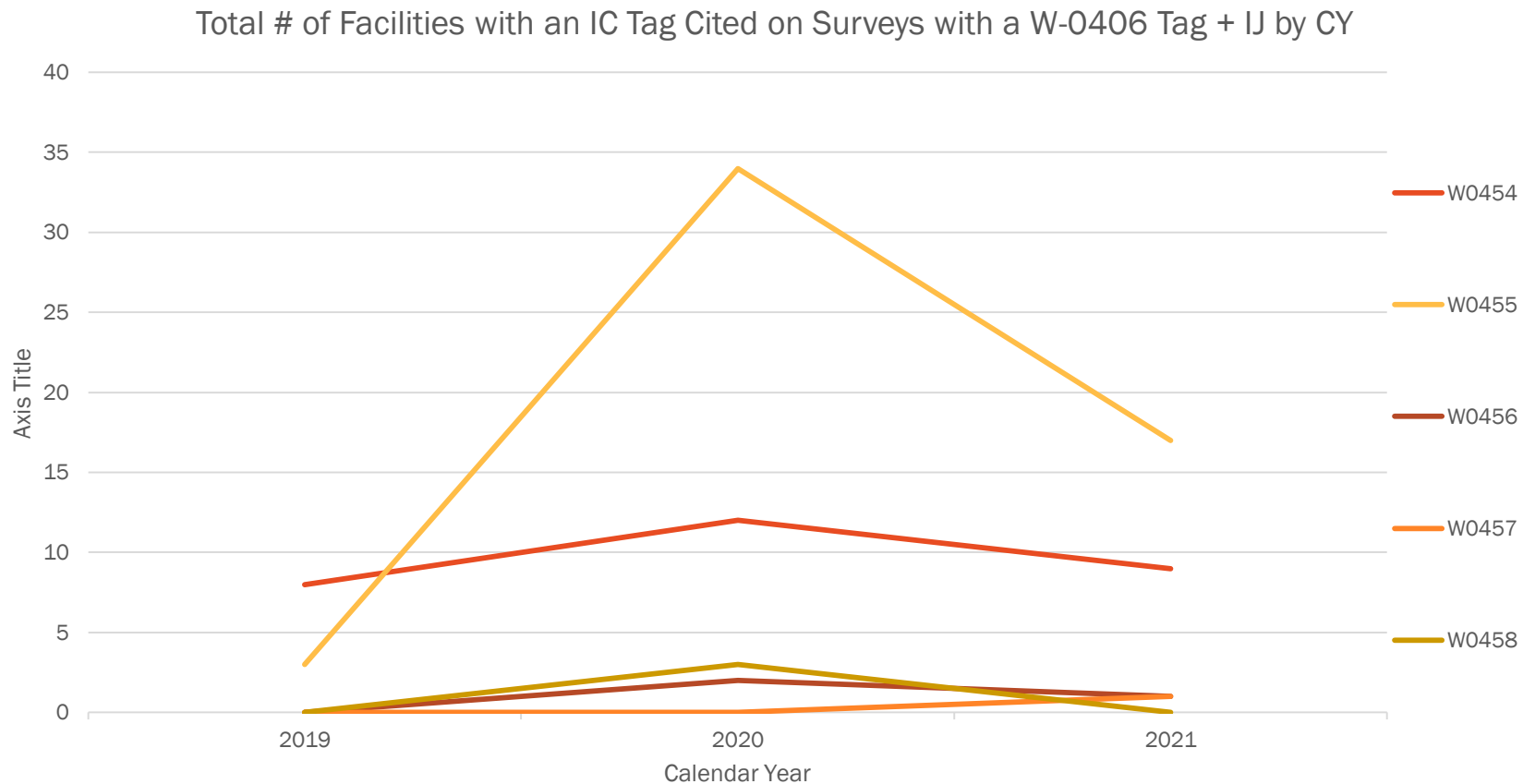10. W0153 Staff Treatment of Clients

## OH 2022

1. W0440 Evacuation Drills
2. W0331 Nursing Services
3. W0249 Program Implementation
4. W0262 Program Monitoring and Change
5. W0130 Protection of Client Rights
6. W0148 Communication with Clients, Parents & Guardians
7. W0352 Comprehensive Dental Diag Service
8. W0488 Dining Areas and Service
9. W0369 Drug Administration
10. W0368 Drug Administration

# Immediate Jeopardy Infection Control Deficiencies CY19-YTD22:

Total # of Facilities with W-0406 Tag, W-0406 + IJ, and W-0406 Tag + IJ + IC Citation by CY



Legend:
- Total # of Distinct Facilities with Tag W-0406
- Total # of Distinct Facilities with Tag W-0406 + IJ
- Total # of Distinct Facilities with Tag W-0406 + IJ + IC Citation

# Immediate Jeopardy Infection Control Deficiencies CY19-YTD22:



Total # of Facilities with an IC Tag Cited on Surveys with a W-0406 Tag + IJ by CY

# Focused Fundamental Survey Process:

- Changes:
  - Focused fundamental survey replaced the fundamental survey.
  - Uses a concept of key standards and corresponding standards within the Conditions of Participation (CoPs). (Refer to Appendix J)
  - Primary method of information gathering is observation allowing more effective use of interviews and client record reviews.
  - The core sample is selected based on minimum criteria without regard to client developmental levels.
  - The review of the facility's systems to prevent abuse, neglect or mistreatment and resolve complaints (Task 2) is a phased approach that focuses the surveyor on client observations including staff-to-client and client-to-client interactions and follow up interviews.

- Process applies to all ICF/IID recertification surveys (as appropriate)

# Publically available resources:

- Quality, Certification & Oversight Reports (QCOR) https://qcor.cms.gov/main.jsp

- State Operations Manual (SOM) Appendix J – ICF/IID guidance to surveyors
  https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Internet-Only-Manuals-IOMs-Items/CMS1201984.html

- CMS Quality Safety & Oversight memoranda, guidance, clarifications and instructions to State Survey Agencies and CMS Regional Offices
  https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions.html

# Publically available resources:

- Burden Reduction Final Rule: https://www.federalregister.gov/documents/2019/09/30/2019-20736/medicare-and-medicaid-programs-regulatory-provisions-to-promote-program-efficiency-transparency-and

- LSC Fire and Attic Protection Requirements in ICF/IID PPT: https://www.cms.gov/index.php/Regulations-and-Guidance/Legislation/CFCsAndCoPs/Downloads/ICFIID-Fire-Attic-Protection-Requirements-Final.pptx

- Quality, Safety and Education Portal (QSEP) https://qsep.cms.gov

## Resource Mailboxes:

Mailboxes for questions:

- ICF/IID mailbox:
  QSOG_ICFIID@cms.hhs.gov


- Emergency Preparedness mailbox:
  SCGEmergencyPrep@cms.hhs.gov

**Thank You:**

Questions ?