Anatomy of a CMS Review: The Facility

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*Financial interest in subject

CMS Conditions for Coverage (CfC)

- Ambulatory Surgery Centers (ASC’s) must be in compliance with the federal requirements set forth by CMS in order to receive Medicare/Medicaid payment
- An entity cannot be an ASC without being Medicare certified and “ASC” has a meaning exclusive to the entity’s participation in the Medicare program
- ASC’s may choose an annual state inspection for Medicare Compliance

Medicare Deemed Status

- Accreditation programs (AAAHC, The Joint Commission) have “deemed status” to measure compliance with Medicare CfC
- Currently, accredited ASC’s must undergo full, regular surveys at least once every three years in order to retain accreditation status
- Insurance companies in some states require an organization to be accredited

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Applicable Regulations

- Local building codes
- State Health Department requirements
- Americans with Disabilities Act
- Accrediting agency standards

NFPA 101 Life Safety Code

- To operate as a Medicare-certified ASC facility, Chapters 20 and 21 of the Life Safety Code (LSC) governing new and existing ASC’s shall apply regardless of the number of patients served
- An ASC is considered a healthcare occupancy for the purpose of determining LSC compliance
- The ASC requirements found in Chapters 20 and 21 of the Life Safety Code are a combination of requirements found in both business occupancy and healthcare chapters

Building Requirements

- Waiting room
- Operating/procedure rooms
- Recovery spaces
Common Findings: Chapter 1
Spatial Requirements

Spatial Requirements
• Humidity levels not within required ranges
• Air pressure relationships do not meet required codes

Common Findings: Chapter 2
Construction
Construction
• Storage within 18 inches of a sprinkler head
• Sprinkler heads obstructed

Construction
• Quarterly FDC inspections not being performed
• Control valves not labeled, supervised or locked
• Hydraulic information not affixed to riser
• Openings in fire-rated construction not protected by assemblies for the fire resistance of the barrier

Common Findings: Chapter 3 Exiting
Exiting
- Obstructions in egress pathway
- Noncompliant exit signage
- Exit lighting does not meet required foot candle levels
- Lack of exit and emergency light testing

Common Findings: Chapter 5
Vertical Openings

Vertical Openings
- Openings through floors not sealed
- Door hold open devices not tested annually
- Stairwell doors not 1¾” solid wood core or rated
Common Findings: Chapter 6
Hazard Area Protection

Hazard Area Protection
• Hazard areas not protected with 1-hour construction
• Penetrations in medical gas room
• Door closers removed
• Alcohol dispensers within 4 feet of each other
• Alcohol dispensers over electrical outlets
• Corridor too narrow for alcohol dispensers
• No policy on care and maintenance
• Quantity for smoke compartment exceeds 10 gallons

Common Findings: Chapter 7
Medical Gas and Anesthetizing Areas
Medical Gas: Cylinders

- Cylinders not individually secured (new construction)
- Lack of appropriate signage [CAUTION, OXIDIZING GAS(ES) STORED WITHIN, NO SMOKING]
- Improper order of cylinder storage
- Lack of labeling of cylinders and shut off valves
- Less than two high pressure cylinders on each side of the manifold

Medical Gas: Storage Rooms

- Electrical switches and outlets not 60 inches off of the floor
- Combustible storage in medical gas room
- Non-working ventilation systems
- Air compressors or vacuum pumps in the medical gas storage room
- Combustible construction materials

Medical Gas: Surgical Corridor

- Zone shut off valves not clearly marked and accessible
- No policy on medical gas component testing
- Portable tanks not labeled properly
Common Findings: Chapter 8
Electrical Systems

Electrical Systems: Wet Locations
• Wet locations do not have GFI at every receptacle or Line Isolation Monitoring (LIM)
• LIM circuit not tested monthly

Electrical Systems: Outlets
• Required testing of battery powered lighting not performed
• No distinctive color for electrical outlets on generator power
Electrical Systems
- Non-medical grade extension cords and power strips within 6 feet of patient treatment location

Electrical Systems
- Power strips mounted to patient care equipment

Electrical Receptacle Testing Frequency
- ASC’s established before March 11, 2003
  - After initial installation
  - After servicing or replacement
  - Every 6 months in wet areas, operating rooms, and recovery
  - Annually for all receptacles
- ASC’s established on or after March 11, 2003
  - After initial installation
  - After servicing or replacement
  - Every 6 months in wet areas
  - Annually if not hospital grade
Common Findings: Chapter 9
Generators

Generators
• Generators without a remote stop device similar to a break glass station
• Generators without a battery heater
• Generators without a maintenance battery and monthly electrolyte level testing

Generators
• Generators without a remote annunciator panel at a constantly attended location
• Generator and ATS locations without battery powered emergency lighting
Common Findings: Chapter 10
Fire Alarm Systems

Fire Alarm Systems
- A manual pull station not located inside the ASC at each building exit and doors into exit enclosures
- Pulls not located 42 inches to 54 inches above the floor

Fire Alarm Systems
- Emergency power for the fire alarm system is not provided for all components, functions, and duration per NFPA 72
- The two transmission sources (phone lines and radio signals) not tested quarterly
- Fire alarm panels not in life safety panel
- Breaker for fire alarm panel not marked red
Common Findings: Chapter 11
Corridor Separation

Corridor Separation
• Passages and corridors in new un-sprinklered buildings not of 1-hour rated construction

Common Findings: Chapter 12
Smoke and Occupancy
Smoke and Occupancy

- Occupancies not separated with 1-hour rated construction
- Doors not self closing, positive latching and equivalent to 1¾" solid wood core
- Penetrations not filled
- Open conduit not filled on both sides
- Smoke barriers not maintained

Smoke and Occupancy: Cat’s Cradle

Wrong

Correct

Smoke and Occupancy: Penetrations
Common Findings: Chapter 13
Portable Fire Extinguishers

- Extinguisher count does not meet square footage requirements
- Travel distance greater than 75 feet
- Top of fire extinguisher not located 60 inches above the floor
- Operating instructions not facing outwards
- Tags do not have the date and initials of the inspector

Common Findings: Chapter 15
Services
Services

• Two branches of the emergency system not separated from all other wiring and equipment
• Two branches enter the same raceways, boxes or cabinets with each other or with other wiring
• No elevator recall for elevators that travel over 25 feet

Common Findings: Chapter 16 Emergency Plan and Fire Drills

• Emergency policies poorly written
• Emergency policies missing key components
• Fire drills do not include the transmission of the fire alarm signal and simulation of the emergency fire conditions
• Fire drills held at the same time of day
Common Findings: Chapter 17
Smoking Regulations

Smoking Regulations
- ‘NO SMOKING’ sign missing at major entrances
- No enforcement of policy

Common Findings: Chapter 19
Furnishings and Decorations
Furnishings and Decorations

- Loosely hanging fabrics do not meet NFPA 701
- No proof provided

Associated Websites

- CMS
- AAAHC
  - http://www.aaahc.org
- NFPA
  - http://www.nfpa.org

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Q & A