

Gavel to Gavel: Increased infection control scrutiny

By: Philip D. Hixon Guest Columnist March 11, 2020 0



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Prior to the evolving specter of COVID-19, unconfirmed scuttlebutt suggested that survey agencies and accreditation organizations had taken an increased interest in the infection control policies and procedures of nursing facilities and other health care providers. Now, on the heels of COVID-19 nursing home deaths in Washington state, federal regulators have formally announced increased scrutiny of infection control and prevention policies.

The U.S. Department of Justice announced its National Nursing Home Initiative, a coordinated federal and state effort to undertake civil and criminal investigations and prosecutions of nursing homes providing grossly substandard care to their residents. DOJ reports that approximately 30 facilities in nine states are currently under investigation. In addition to understaffing and resident mistreatment, these investigatory activities will focus on insufficient infection policies, protocols, and practices. While the DOJ initiative is focused on the worst nursing homes around the country, increased infection control scrutiny does not end there.

Immediately following the DOJ announcement, the Centers for Medicare & Medicaid Services directed state survey agencies and accrediting organizations to exclusively focus their inspection efforts, beginning with nursing facilities and hospitals, on infection control and prevention policies and practices, along with serious health and safety threats to residents and patients, such as abuse allegations. The announcement is part of the CMS' strategy to limit the spread of COVID-19.

The CMS announcement was accompanied by three memoranda to state survey agencies and accreditation organizations. The first memorandum discusses suspension of normal survey activities in favor of a prioritized focus on immediate jeopardy complaints and infection control "concerns," followed by lower-priority survey activity. The second memorandum is a guidance directed at infection control and prevention of COVID-19 in hospitals, inclusive of frequently asked questions on patient screening, exposure prevention, staff monitoring, patient care, and related recommendations. The third memorandum is a similar guidance for nursing homes with facility-specific questions intended to protect the vulnerable nursing home population. CMS will update the information in the memoranda in real-time, as needed on a dedicated COVID-19 website.

Circumstances, arising from an uncertain health threat and increased regulatory focus, warrant an immediate compliance review of existing infection control policies and practices and implementation of the CMS guidance recommendations under the direction of an experienced team of health care providers and attorneys.

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