

## **Information Brief on CMS Emergency Preparedness Final Rule**

**What:** The Centers for Medicare & Medicaid Services (CMS) has published a final rule to establish national emergency preparedness requirements to ensure adequate planning for both natural and man-made disasters, and coordination with federal, state, tribal, regional, and local emergency preparedness systems. Specific providers, facilities, and suppliers must be in compliance with these Emergency Preparedness regulations in order to participate in the Medicare and/or Medicaid Program(s).

**When:** The regulation goes into effect on November 16, 2016. Affected providers/suppliers must comply and implement regulations by November 17, 2016.

**Who:** The following 17 providers, facilities, and suppliers are affected by the final rule:

1. Hospitals
  2. Religious Non-Medical Health Care Institutions (RNHCIs)
  3. Ambulatory Surgical Centers (ASCs)
  4. Hospices
  5. Psychiatric Residential Treatment Facilities (PRTFs)
  6. All Inclusive Care for the Elderly (PACE)
  7. Transplant Centers
  8. Long Term Care Facilities (LTC)
  9. Immediate Care Facilities for Individuals with Intellectual Disabilities (ICF//IID)
  10. Home Health Agencies
  11. Comprehensive Outpatient Rehabilitation Facilities (CORFs)
  12. Critical Access Hospitals (CAHs)
  13. Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and Speech-Language Pathology Services
  14. Community Mental Health Centers (CMHCs)
  15. Organ Procurement Organizations (OPOs)
  16. Rural Health Clinics and Federally Qualified Health Centers (FQHCs)
  17. End-Stage Renal Disease Facilities (ESRD)
- Each provider and supplier will have its own set of Emergency Preparedness regulations incorporated into its set of conditions or requirements for certification.

### **Overview**

The final rule addresses:

- Safeguarding Human Resources
- Maintaining Business Continuity
- Protecting Physical Resources

Facilities should incorporate the four (4) core elements of emergency preparedness requirements:

1. *Risk assessment and emergency planning*
  - CMS is requiring facilities to perform a risk assessment that uses an "all-hazards" approach prior to establishing an emergency plan.

2. *Policies and procedures*
  - CMS is requiring that facilities develop and implement policies and procedures that support the successful execution of the emergency plan and risks identified during the risk assessment process
3. *Communication plan*
  - CMS is requiring facilities to develop and maintain an emergency preparedness communication plan that complies with both federal and state law.
  - Patient care must be well-coordinated within the facility, across healthcare providers, and with state and local public health departments and emergency management agencies and systems to protect patient health and safety in the event of a disaster.
4. *Training and testing*
  - CMS is requiring that facilities develop and maintain an emergency preparedness training and testing program.
  - A well-organized, effective training program must include initial training for new and existing staff in emergency preparedness policies and procedures as well as annual refresher trainings.
  - The facility must offer annual emergency preparedness training so that staff can demonstrate knowledge of emergency procedures.
  - The facility must also conduct drills and exercises to test the emergency plan to identify gaps and areas for improvement

## Resources

### Centers for Medicare & Medicaid Resources

- Link to CMS Press Release:  
<https://www.cms.gov/Newsroom/MediaReleaseDatabase/Press-releases/2016-Press-releases-items/2016-09-08.html>
- Link to CMS Emergency Preparedness Rule: (Will be officially posted on 9/16/16):  
<https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-21404.pdf>
- Link to Core Emergency Preparedness Rule Elements:  
<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Core-EP-Rule-Elements.html>
- Link to the Assistant Secretary of Health and Human Services Healthcare Emergency Preparedness Information Gateway (TRACIE):  
<https://asprtracie.hhs.gov/cmsrule>
- Link to Additional General Resources for Emergency Preparedness  
<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Downloads/General-Resources-for-Emergency-Preparedness.pdf>

## Four Core Elements Requirements Resources

### **Risk Assessment**

- Link to FEMA’s Threat and Hazard Identification and Risk Assessment (All-Hazards Approach) for Inclusion in Facility Emergency Plan:  
<https://www.fema.gov/threat-and-hazard-identification-and-risk-assessment>
  - Template 1: [https://www.fema.gov/media-library-data/8ca0a9e54dc8b037a55b402b2a269e94/CPG201\\_htirag\\_2nd\\_edition.pdf](https://www.fema.gov/media-library-data/8ca0a9e54dc8b037a55b402b2a269e94/CPG201_htirag_2nd_edition.pdf)
  - Template 2: [https://www.fema.gov/media-library-data/20130726-1914-25045-9956/final\\_national\\_mitigation\\_framework\\_20130501.pdf](https://www.fema.gov/media-library-data/20130726-1914-25045-9956/final_national_mitigation_framework_20130501.pdf)
- Link to Meeting the Functional Needs of At-Risk and Vulnerable Populations:  
<http://www.naccho.org/programs/public-health-preparedness/systems-preparedness>

### **Policies and Procedures**

- Link to Get Started: Emergency Preparedness Checklist for Small Businesses:  
[https://www.osha.gov/dte/grant\\_materials/fy07/sh-16618-07/sm\\_business\\_emergency\\_checklist.pdf](https://www.osha.gov/dte/grant_materials/fy07/sh-16618-07/sm_business_emergency_checklist.pdf)
- Link to Disaster Preparedness: Emergency Evacuation Program Policy:  
[https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms\\_000587.aspx](https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_000587.aspx)
- Link to Business Continuity and Disaster Preparedness Plan (Sample Plan):  
<https://www.ready.gov/sites/default/files/documents/files/sampleplan.pdf>
- Link to Emergency Response Plan:  
<https://www.fema.gov/media-library/assets/documents/89518>
- Link to Project Public Health Ready:  
<http://www.naccho.org/programs/public-health-preparedness/pphr>

### **Communication Plan**

- Link to FEMA’s Comprehensive Preparedness Guide to Develop and Maintain Emergency Operations Plans:  
[https://www.fema.gov/media-library-data/20130726-1828-25045-0014/cpg\\_101\\_comprehensive\\_preparedness\\_guide\\_developing\\_and\\_maintaining\\_emergency\\_operations\\_plans\\_2010.pdf](https://www.fema.gov/media-library-data/20130726-1828-25045-0014/cpg_101_comprehensive_preparedness_guide_developing_and_maintaining_emergency_operations_plans_2010.pdf)
- Link to Planning Documents (Various Louisiana Emergency Plans/After-Action, Recovery, Model, Strategic, and Other Plans):  
<http://gohsep.la.gov/PREPARE/PLANNING-OVERVIEW>

## **Training and Testing**

- Link to Homeland Security Exercise and Evaluation (HSEEP):  
[https://www.fema.gov/media-library-data/20130726-1914-25045-8890/hseep\\_apr13\\_.pdf](https://www.fema.gov/media-library-data/20130726-1914-25045-8890/hseep_apr13_.pdf)
- Link to Addressing Administrative Preparedness:  
<http://www.naccho.org/programs/public-health-preparedness/systems-preparedness>