



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Aging and Long-Term Support Administration
PO Box 45600, Olympia, Washington 98504-5600

November 17, 2023

AL TSA: NH #2023-040

**STRENGTHENED ENHANCED ENFORCEMENT FOR INFECTION CONTROL
DEFICIENCIES AND QUALITY IMPROVEMENT ACTIVITIES IN NURSING HOMES**

Dear Nursing Facility/Home Administrator:

This letter is to advise you of revised Centers for Medicare and Medicaid (CMS) guidance that strengthens enforcement efforts for noncompliance with infection control deficiencies. The enhanced enforcement actions are more stringent for infection control deficiencies that result in actual harm or immediate jeopardy to residents.

CMS rescinded memorandum [QSO-20-31-ALL](#), the Enhanced Enforcement for Infection Control Deficiencies, and replaced it with memorandum [QSO-23-10-NH](#), revised guidance for Strengthened Enhanced Enforcement for Infection Control Deficiencies.

CMS is providing guidance to the State Survey Agencies and CMS locations on handling enforcement cases before and after the revisions of Enhanced Enforcement for Infection Control Deficiencies.

Quality Improvement Organizations have been strategically refocused to assist nursing homes in combating COVID-19 through such efforts as education and training, creating action plans based on infection control problem areas, and recommending steps to establish a strong infection control and surveillance program.

Enhanced Enforcement Actions:

- Increased civil money penalties for higher-level infection control deficiencies causing harm or the likelihood of harm.
- Shortened time period for facilities to demonstrate compliance before the effectuation of discretionary denial of payment for new admissions.
- Stronger directed plans of correction to address deficiencies.

Noncompliance Scenarios:

a. Non-compliance with both Infection Prevention and Control (F880) and COVID-19 Vaccine Immunization Requirements for Residents and Staff (F887) cited at Scope and Severity (S/S) Level 2 (D, E, F):

- Directed Plan of Correction with Root Cause Analyses and collaboration with a Quality Improvement Organization or another qualified consultant.
- Discretionary Denial of Payment for New Admissions with a 30-day notice period to achieve substantial compliance.

b. Non-compliance with Infection Prevention and Control (F880) cited at S/S Level 3 (G, H, I):

- Directed Plan of Correction with Root Cause Analyses and collaboration with a Quality Improvement Organization or hiring an Infection Control Consultant to develop and implement a corrective action plan.
- Discretionary Denial of Payment for New Admissions with a 15-day notice period to achieve substantial compliance.

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- Civil Money Penalty imposed according to the CMP Analytic Tool with a ten percent increase adjustment.
- c. Non-compliance with Infection Prevention and Control (F880) cited at S/S Level 4 (J, K, L):
- Directed Plan of Correction with Root Cause Analyses and collaboration with a Quality Improvement Organization or hiring an Infection Control Consultant to develop and implement a corrective action plan.
 - Discretionary Denial of Payment for New Admissions with a 15-day notice period to achieve substantial compliance.
 - Civil Money Penalty imposed according to the CMP Analytic Tool with a twenty percent increase adjustment.

Quality Improvement Organization (QIO) Support:

- QIOs will provide education and training on infection control to all nursing homes.
- Assistance will be offered to small, rural nursing homes and those serving vulnerable populations to help them comply with CMS and CDC reporting requirements and implement best practices.

Technical assistance will be provided to nursing homes facing infection control challenges, including those with a history of issues and those experiencing outbreaks.

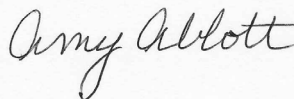
Nursing homes can locate the QIO responsible for their state here:

<https://qioprogram.org/locate-your-qio>.

It is essential for all stakeholders, including nursing home administrators, staff members, and residents' families, to be aware of these changes and collaborate in implementing robust infection control measures. By working together, we can ensure the safety and well-being of residents in nursing homes across our state.

If you have any questions, please contact Charles Demler, Policy Program Manager, at charles.demler@dshs.wa.gov.

Sincerely,



Amy Abbott, Director
Residential Care Services

DSHS: *"Transforming Lives"*