Certain Nursing Homes May Not Have Complied With Federal Requirements for Infection Prevention and Control and Emergency Preparedness

What OIG Found
Selected nursing homes may not have complied with Federal requirements for infection prevention and control and emergency preparedness. Specifically, 28 of the 39 nursing homes had possible deficiencies. We found 48 instances at 25 nursing homes of possible noncompliance with infection prevention and control requirements and 18 instances at 18 nursing homes of possible noncompliance with emergency preparedness requirements related to all-hazards risk assessments and strategies to address emerging infectious diseases. The nursing homes attributed the possible noncompliance to:

1. Nursing home inadequate internal controls,
2. Nursing home inadequate management oversight,
3. Nursing home administrative and leadership changes,
4. Inadequate communication and training from the Centers for Medicare & Medicaid Services (CMS), and
5. Inconsistent and confusing regulations.

What OIG Recommends and CMS Comments
We recommend that CMS:

1. Instruct SSAs to follow up with the 28 nursing homes that we have identified with potential infection prevention and control and emergency preparedness deficiencies to ensure that they have taken corrective actions;
2. Issue updated phase 3 interpretive guidance as soon as feasible;
3. Provide training to SSAs on the updated phase 3 interpretive guidance as soon as feasible; and
4. Consider updating the regulation to make clear that nursing homes must include emerging infectious diseases as a risk on their facility- and community-based all-hazards risk assessments.

CMS concurred with our first three recommendations and described corrective actions it had taken or planned to take, such as ensuring that SSAs follow up with the nursing homes, issuing phase 3 interpretive guidance, and providing training related to the phase 3 interpretive guidance. CMS stated that it had intended to release the phase 3 interpretive guidance during the second quarter of 2020. However, prior to issuing the guidance, the COVID-19 public health emergency (PHE) was declared, and CMS immediately redirected resources to address patient safety needs related to the PHE. Regarding our fourth recommendation, CMS stated that it would consider this recommendation in future rulemaking and that it has taken considerable steps to make clear that nursing homes should include emerging infectious diseases as an identified risk on their facility- and community-based all-hazards risk assessments.

The full report can be found at [https://oig.hhs.gov/oas/reports/region1/12000005.asp](https://oig.hhs.gov/oas/reports/region1/12000005.asp).