



DIVISION OF SURVEY & CERTIFICATION, REGION VI

November 1, 2017

REGIONAL SURVEY AND CERTIFICATION LETTER NO. 17-05

TO: All CMS Dallas State Survey Agencies (Action/Information)

SUBJECT: Temporary Facility Closure for Repair or Renovation

This letter provides communication between the State Survey Agency (SA) and the Dallas Division of Survey & Certification (DSC) regarding the procedures to be followed when a Medicare certified provider or supplier requests temporary closure of their facility or business location (in the case of a home health agency or hospice) for repairs or renovations. This letter augments RS&C Letter 12-01, specifically the Temporary Closure section.

The CMS Dallas DSC will allow the “temporary closure” of a provider’s or supplier’s facility to complete repairs of physical structures damaged by forces beyond the provider’s or supplier’s control (i.e. fire, flood, hail, wind, etc.). The CMS Dallas DSC may also allow temporary closure for non-emergency reasons (i.e. facility renovation). These requests will be handled on a case-by-case basis.

In accordance with 42 CFR § 424.502, providers and suppliers are to be operational at all times. Temporary closure eliminates the requirement for affected providers and suppliers to voluntarily terminate their CMS Certification Number (CCN), only to subsequently submit an Initial Certification application once the repairs are complete.

Timeframes for temporary closure:

- A request for closure of 30 days or less would be approved by the SA and would not require a review by the RO. Depending on the extent of repairs, the SA will determine if a health survey, LSC survey, or both are required before the facility resumes operations. The SA, however, should notify CMS of the facility closure and if a survey was required.
- A request for closure of 30 – 90 days would require the provider or supplier to notify the SA and submit to CMS a formal request for temporary closure. The request must include written benchmarks, including the timeframe to reopen. Depending on the extent of repairs or renovation, a health survey, LSC survey or both may be required. This will be determined on a case-by-case basis through discussion between CMS and the SA.
- A request for closure of 90 – 180 days would require the provider or supplier to notify the SA and submit to CMS a formal request for temporary closure. The request must include

written benchmarks, including the timeframe to reopen. Depending on the extent of repairs or renovation, a health survey, LSC survey or both may be required. This will be determined on a case-by-case basis through discussion between CMS and the SA. A Tie-Out Notice will be submitted to the Medicare Administrative Contractor (MAC) authorizing the time period the facility will be non-operational. When the facility resumes operations, a Tie-In notice will be submitted to the MAC.

In all cases described above, the SA will determine that the facility is operational prior to reopening. We anticipate the possibility a small number of providers may request an extension for temporary closure past the 180 day period. These requests will be considered by the CMS DSC on a case-by-case basis. Any provider anticipating closure longer than 12 months would be required to resubmit an Initial Medicare application.

These instructions are effective immediately. If you have any questions please contact Shannon Hills-Cline at (214) 767-4400 or via email at shannon.hills@cms.hhs.gov.

Sincerely,

Gerardo Ortiz,
Associate Regional Administrator