GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION
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Memo 21-20

To: Administrator, DNS, Medical Director, Infection Preventionist, Director of Maintenance and QA Committee

From: **Mary Gracey-White RN, Director of Regulatory Compliance &**
John Kerney, Life Safety Consultant
Date: June 22, 2021

Re: CMS Memo 20-41 Revision– Guidance related to Emergency Preparedness-Exercise Exemption Based on A Facilities Activation of their Emergency Plan

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On June 21, 2021 CMS revised QSO-20-41**,** Guidance related to Emergency Preparedness-Exercise Exemption based on A Facility's Activation of their Emergency Plan. This guidance was revised to provide clarifications due to the continued public health emergency (PHE). CMS regulations for Emergency Preparedness (EP) require facilities to conduct exercises to test the facility's EP plan to ensure that it works and that staff are trained appropriately about their roles and the facility's processes. During or after an actual emergency, the regulations allow for a one-year exemption from the requirement that the facility perform testing exercises.

CMS recognizes many facilities are still operating under disaster/emergency conditions during the PHE, i.e., under an activated emergency plan, This exemption applies to the next required full-scale exercise only, not the exercise of choice, based on the facility's 12-month exercise cycle.

Testing exercises were expanded to include workshops as an exercise of choice. However, LTC facilities are still required to conduct two emergency preparedness testing exercises annually.

- If the facility is still operating under its currently activated emergency plan, any currently-activated emergency plan will be recognized by surveyors as having met the full-scale exercise requirement for 2021 (even if it claimed the exemption for the 2020 full-scale exercise).
- If the facility claimed the full-scale exercise exemption in 2020 based on its activated emergency plan and has since resumed normal operating status, the inpatient provider/supplier is expected to complete its required full-scale exercise in 2021, unless it has reactivated its emergency plan for an actual emergency during its 12-month cycle for 2021.

All providers must continue to analyze their facility's response to and maintain documentation of all drills, tabletop exercises, and activation of their emergency plan. This would include documentation showing any revisions to the facility's emergency plan as a result of the *after*-action process.

Facilities which have resumed normal operating status (not under their activated emergency plans) and were exempted from a full-scale exercise for its 2020 cycle, must conduct a full-scale exercise or an individual facility-based exercise for its next cycle.

GNYHCFA advises a facility to activate emergency plans. You could have a snow emergency activation and a heat wave activation as long as you document the activation, and develop an after action report, you would be covered. Do not hesitate to contact the Association with any questions.