



Center for Clinical Standards and Quality/Survey & Certification Group

Ref: S&C: 13-46-ALL

DATE: July 12, 2013

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Office for Civil Rights (OCR) Clearance Process– Changes to State Survey Agency Responsibilities in Obtaining Information for Civil Rights Clearances for Initial Certifications and Changes of Ownership (CHOWs)

This memo supersedes S&C: 09-57.

Memorandum Summary

- **Office for Civil Rights Clearance Process** – A health care provider that applies for participation in the Medicare Part A program must receive a civil rights clearance from OCR, as set forth in 42 CFR 480.10(b).
- **Initial Enrollment or CHOW-** State Survey Agencies (SAs) are to include the OCR Civil Rights Certification Information Request Packet (Civil Rights Packet) with their initial enrollment package that is sent to a potential provider or to a provider undergoing a CHOW.
- **Civil Rights Packet may be submitted on line-** SAs must now also offer the potential provider the option to answer all questions and submit the entire civil rights clearance package on line at <https://ocrportal.hhs.gov/ocr/pgportal/>.
- **Online Application Submission Start Date-** This change will be effective July 15, 2013.

Background

A health care provider that applies for participation in the Medicare Part A program must receive a civil rights clearance from OCR, as set forth in the regulation at [42 CFR 489.10\(b\)](https://www.ecfr.gov/current/title-42/chapter-I/subchapter-B/part-489/subpart-10/section-489.10(b)). SAs are to include the OCR Civil Rights Certification Information Request Packet (Civil Rights Packet) with their initial enrollment package that is sent to a potential provider or to a provider undergoing a CHOW. SAs must now also offer the potential provider the option to answer all questions and submit the entire civil rights clearance package on line at <https://ocrportal.hhs.gov/ocr/pgportal/>.

Provider Submission of Civil Rights Packet

If the provider chooses to submit hard copies of the civil rights package, then the process remains the same: the SA should collect the completed Civil Rights Packet (including signed questionnaire form, signed HHS-690 form, and civil rights policies and procedures) from the potential provider and forward it to the appropriate CMS Regional Office, along with the rest of the Medicare application materials.

If the provider chooses to submit the civil rights package on line, the submission will go directly into the OCR intake queue, and the provider will receive an e-mail from OCR stating that the provider completed the civil rights submission. The e-mail will contain an OCR number, which is critical to OCR's ability to access the provider's submission from the OCR intake queue. The provider will submit a copy of this e-mail to the SA, and the SA will submit it to the CMS Regional Office in lieu of the completed civil rights package. The Regional Office will attach the query sheet/tie-in notice to the e-mail with the OCR number and send to OCR for OCR's civil rights review of the provider's submission. If the CMS regional office determines that the potential provider does not meet the criteria to participate in the Medicare Part A program, the regional office will send to OCR the e-mail with the OCR number, with a comment "Medicare participation has been denied – no OCR clearance necessary," so that OCR can remove the application from its intake queue.

Entities with Civil Rights Corporate Agreements

For providers that belong to corporations that have Civil Rights Corporate Agreements with OCR, SAs should collect and forward ONLY the signed certification sheets, or the e-mail (with the OCR number) verifying that the civil rights package has been submitted to OCR.

For questions about the new online OCR process, please contact Claudia Adams at 202-619-0743 or by email at Claudia.Adams@HHS.GOV.

Effective Date: This change will be effective July 15, 2013. This policy should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management