

EXHIBIT 195

(Rev. 148, Issued: 10-09-15, Effective: 10-09-15, Implementation: 10-09-15)

**MODEL NOTICE ANNOUNCING TO DEEMED, ACCREDITED
PROVIDER/SUPPLIER THAT THE FACILITY DOES NOT COMPLY WITH
ALL THE CONDITIONS OF PARTICIPATION, COVERAGE OR
CERTIFICATION AND THAT THERE IS IMMEDIATE AND SERIOUS
THREAT TO PATIENT HEALTH AND SAFETY**

(Date)

Facility Administrator Name

Facility Name

Address

City, State, ZIP Code

Re: CMS Certification Number (CCN) [**enter CCN assigned to the facility**]

Dear **(Administrator Name)**:

Section 1865 of the Social Security Act (the Act) provides that entities accredited by a *Centers for Medicare & Medicaid Services-* (CMS-) recognized national accreditation organization may be “deemed” to meet the Medicare health and safety conditions. Section 1864 of the Act authorizes the Secretary of the Department of Health and Human Services (the Secretary) to conduct surveys of accredited entities participating in the Medicare program.

A survey was conducted at **(name of facility on (date))**. *That survey identified* an immediate *jeopardy which poses a* serious threat to the health and safety of patients. Specifically, the facility’s *noncompliance with the following constitutes an immediate jeopardy*:

(Cite Conditions of Participation (CoPs)/Conditions for Coverage or Certification (CfCs) for which an IJ was cited).

[Add the following when applicable:] In addition, the survey also identified substantial noncompliance with the following conditions:

(Cite Other Conditions of Participation (CoPs)/Conditions for Coverage or Certification (CfCs))

When a facility, regardless of its accreditation status, is found to be out of compliance with one or more CoPs/CfCs and *an* immediate *jeopardy* exists, a determination must be made that the facility no longer meets the requirements for participation as a provider of services in the Medicare program. Such a determination has been made in the case of

(**name of facility**) and, accordingly, the Medicare provider agreement between (**name of facility**) and the Secretary is being terminated. This termination will be effective (**date**). (Add, in the case of hospital or CAH: The Medicare program will not make payment for services furnished to patients who are admitted on or after (**date of termination**). For inpatients admitted prior to (**date of termination**), payment may continue to be made for a maximum of 30 days of *acute* inpatient *or swing bed* services furnished on or after (**date of termination**). You should submit as soon as possible, a list of names and Medicare claim numbers of beneficiaries in your facility on (**date of termination**) to the (**name and address of the RO involved**) to facilitate payment for these individuals.)

CMS will publish a public notice in the (**local newspaper**). You will be advised of the publication date for the notice.

Termination can only be averted by correction of *the* deficiencies, *through submission of an acceptable plan of correction (PoC) and subsequent verification of compliance by (State Agency)*. *The Form CMS 2567 with your POC, dated and signed by your facility's authorized representative must be submitted to (State Agency) no later than (enter date that is 10 calendar days after the date of this notice)*. *Please indicate your corrective actions on the right side of the Form CMS-2567 in the column labeled "Provider Plan of Correction", and list the corresponding deficiency number in the column to its left, labeled "ID Prefix Tag". Additionally, indicate your anticipated completion dates in the column labeled "Completion Date"*.

An acceptable PoC must contain the following elements:

- 1. The plan for correcting each specific deficiency cited;*
- 2. The plan for improving the processes that led to the deficiency cited, including how the hospital is addressing improvements in its systems in order to prevent the likelihood of recurrence of the deficient practice;*
- 3. The procedure for implementing the PoC, if found acceptable, for each deficiency cited;*
- 4. A completion date for correction of each deficiency cited;*
- 5. The monitoring and tracking procedures that will be implemented to ensure that the PoC is effective and that the specific deficiency(ies) cited remain corrected and in compliance with the regulatory requirements; and*
- 6. The title of the person(s) responsible for implementing the acceptable PoC.*

Copies of the Form CMS-2567, including copies containing the facility's PoC, are releasable to the public in accordance with the provisions of Section 1864(a) of the Act and 42 CFR 401.133(a). As such, the PoC should not contain personal identifiers, such as patient names, and you may wish to avoid the use of staff names. It must, however, be

specific as to what corrective action the hospital will take to achieve compliance, as indicated above.

Your facility will be revisited to verify necessary corrections. If CMS determines that the reasons for termination remain, you will be informed in writing, including the effective date of termination. If corrections have been made and your facility is in substantial compliance, the termination procedures will be halted, and you will be notified in writing.

*If your Medicare agreement is terminated and you wish to be readmitted to the program, you must demonstrate to the (**State agency**) and CMS that you are able to maintain compliance. Readmission to the program will not be approved until CMS is reasonably assured that you are able to sustain compliance.*

If you disagree with this termination action, you or your legal representative may request a hearing before an administrative law judge of the Department of Health and Human Services, Departmental Appeals Board (DAB). Procedures governing this process are set out in 42 CFR 498.40, et seq. You must file your hearing request electronically by using the DAB's Electronic Filing System (DAB E-File) at <https://dab.efile.hhs.gov>, no later than sixty (60) days after receiving this letter. Specific instructions on how to file electronically are attached to this notice. A copy of the hearing request must also be submitted electronically to:

INSERT REGIONAL OFFICE CONTACT INFORMATION

Requests for a hearing submitted by U.S. mail or commercial carrier are no longer accepted as of October 1, 2014, unless you do not have access to a computer or internet service. In those circumstances you may call the Civil Remedies Division to request a waiver from e-filing and provide an explanation as to why you cannot file electronically or you may mail a written request for a waiver along with your written request for a hearing. A written request for a hearing must be filed no later than sixty (60) days after receiving this letter, by mailing to the following address:

*Department of Health & Human Services
Departmental Appeals Board, MS 6132
Director, Civil Remedies Division
330 Independence Avenue, S.W.
Cohen Building – Room G-644
Washington, D.C. 20201
(202) 565-9462*

A request for a hearing should identify the specific issues, findings of fact and conclusions of law with which you disagree. It should also specify the basis for contending that the findings and conclusions are incorrect. At an appeal hearing, you may be represented by counsel at your own expense.

If you have any questions regarding this matter, please contact the CMS (insert city) Regional Office by phone at (insert phone number) or by e-mail at (insert email address).

Sincerely yours,

Associate Regional Administrator/Equivalent

Enclosure: Form CMS-2567 Statement of Deficiencies
DAB E-filing Instructions

CC: Accrediting Organization
State *Survey* Agency