

## **Hospitals**

Swing-bed requirements will continue to be surveyed as part of a scheduled hospital or CAH survey, and do not need to be targeted for a separate, stand-alone survey, unless:

- There is a swing-bed requirement complaint in a hospital or CAH;
- A non-deemed hospital or CAH is applying for an initial swing-bed approval, in which case, the survey is conducted by the SA; or
- A deemed hospital or CAH is applying for an initial swing bed approval, in which case, the survey is conducted by the AO.

Note - For non-deemed hospitals or CAHs that wish to add swing-beds as a new service, see the “FY20 Survey Frequency and Priority” Tier Status for scheduling those surveys. For swing-bed recertifications, States must include swing-bed recertification during hospital and CAH recertification surveys.

Appendix A (Hospital guidance) and Appendix W (CAH guidance) swing-bed sections have been updated to align with the LTC rules and refer to Appendix PP (LTC guidance). The guidance for Swing-Beds found in Appendix T has been retired. Appendix A and Appendix W will be utilized for surveying hospitals and CAHs, respectively, that have swing-beds. See QSO Memo 18-26-Hospital-CAH for additional details.

## **EMTALA Investigations**

The timeline for investigations in hospitals and critical access hospitals (CAH) for complaints specific to EMTALA and deaths associated with restraint or seclusion is being changed for the Centers for Medicare & Medicaid (CMS) Regional Office (RO) and State Survey Agency (SA) surveyors from completion in five working days to onsite within two business days. This change brings these two categories of complaint investigations in line with other potential immediate jeopardy (IJ) investigations in Medicare-participating non-long term care facilities.

For EMTALA complaints only, the RO is currently able to triage the complaint investigation as IJ but may now triage the complaint as Non-IJ High, based on their review of the allegations. The Non-IJ High prioritization will require survey activity to be initiated within 45 days.

The changes to SOM Chapter 5 and Appendix V will align complaint investigative timelines in non-long term care facilities for IJ prioritization. See QSO Memo 19-14 for additional details.