



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-09-41

DATE: June 5, 2009
TO: State Survey Agency Directors
FROM: Director
Survey and Certification Group
SUBJECT: Policy Regarding Unannounced Surveys

Memorandum Summary

This memorandum reiterates current policy that all surveys must be unannounced for all providers and suppliers, except for standard surveys of Clinical Laboratory Improvement Amendments (CLIA) laboratories and other limited exceptions. This includes standard surveys, complaint surveys and onsite revisit surveys.

It is the policy of the Centers for Medicare & Medicaid Services (CMS) that, with few exceptions, all surveys to verify compliance (or substantial compliance in the case of nursing homes) are to be unannounced for all providers and suppliers participating in our programs. This includes standard surveys, complaint surveys and onsite revisit surveys. One exception pertains to standard surveys of CLIA laboratories. It is current CMS CLIA policy to give a very short advance notice to ensure that laboratory personnel are present, particularly for the many very small laboratories being surveyed. All other surveys must be unannounced. A very limited set of additional exceptions to the unannounced survey policy are permitted for non-LTC facilities (other than HHAs) when specified criteria are met in accordance with section 2700 of the State Operations Manual (SOM).

The expectation that all surveys (except for standard surveys for CLIA laboratories and certain other limited exceptions) be unannounced is not new. The policy lessens, to the extent possible, the predictability of the surveys and increases the probability that the surveys will observe conditions and care processes that are typically present. The policy is within the spirit of governing statutes that call for compliance to be achieved **and** maintained, as well as consistent with current practice across provider and supplier types. Application of this policy to all providers and suppliers, including the one exception for CLIA laboratories and certain exceptions for non-LTC facilities (other than HHAs), can be found in section 2700 of the SOM. This policy is reiterated for nursing homes in section 7207 of the SOM, for laboratories in section 6106 of the SOM, and in Chapter 5 of the SOM relative to complaint surveys.

In the future, we expect to conduct a pilot study regarding the impact of advance notice removal in the case of CLIA surveys for laboratories. We will solicit State interest in such a pilot via a separate communication.

Effective Date: Immediately. Please ensure that all appropriate staff are fully informed within 30 days of the date of this memorandum.

Training: This information should be shared with all appropriate survey and certification staff, surveyors, their managers, and applicable staff.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management