Ask an IP **Learning and Communication Series**

Week 7 – Regulatory Bodies Wednesday November 3rd, 2021





Acute Communicable Disease Control Program Los Angeles County Department of Public Health



Disclosures

There is no commercial support for today's call

Neither the speakers nor planners for today's call have disclosed any financial interests related to the content of the meeting

This call is meant for healthcare facilities and is off the record and reporters should log off now



DPH Infection Prevention Team

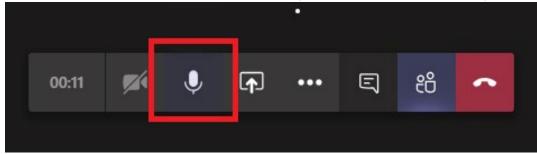
Walteena Brooks, LVN Rachel Gibbs, RN, BSN Marco Marquez, MPH, CIC Harriett Pitt, MS, RN Krystal Smith, MSc, CIC

Contact Us: LACSNF@ph.lacounty.gov

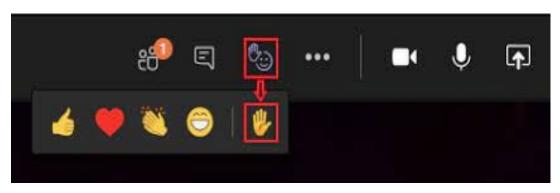


Housekeeping

• How to Mute/Unmute (Crtl+ Shift+ M):



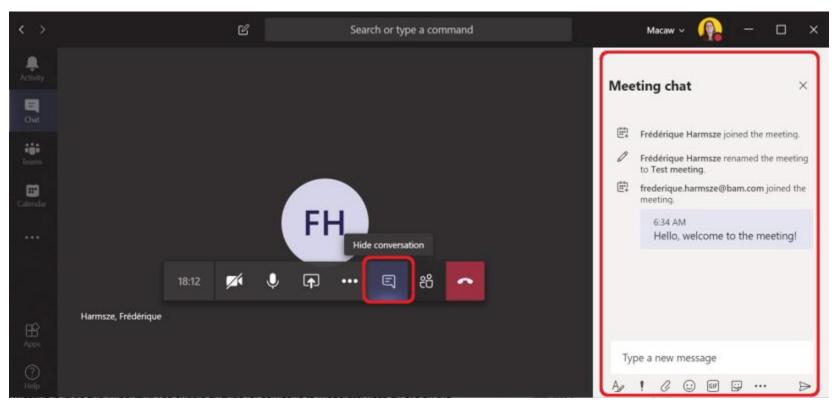
• How to Raise Hand:





Housekeeping

• How to use chat:





Reminder

We want to thank you all for your wonderful questions these last few weeks, during our Ask the IP Sessions. The focus of these sessions is core infection prevention practices (beyond COVID-19) that must be used in all care settings and to foster discussion among LA County Skilled Nursing Facilities about infection control practices.

We would like to remind everyone that the LACDPH COVID-19 Guidance has been updated as of 10-01-2021, please take time to review the updates and the current guidance from the County. We will not be reviewing guidelines during these sessions.

Link to Guidelines: http://publichealth.lacounty.gov/acd/ncorona2019/healthfacilities/snf/prevention/



Objectives

- Discuss national, state and local regulatory bodies that oversee infection prevention and public reporting
- Describe the **purpose of CDPH All Facilities Letters** (AFLs)
- Review current infection prevention and control-related regulations
- Foster discussion among LA County Skilled Nursing Facilities about infection prevention and control practices



Regulatory Agency Overview

Federal

- Centers for Medicare and Medicaid Services (CMS)
- Occupational Health and Safety Administration (OSHA)

State

- California
 Department of
 Public Health
 - Licensing & Certification
 - Reportable Diseases and Conditions
 - Medical Waste
- Cal-OSHA

Local

- Los Angeles County Department of Public Health
 - Environmental Health
 - Communicable
 Disease reporting

^{1.}https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF OnlineIPCourse Qs LawsAnd Regs 012521 ADA.pdf



Federal Oversight: Centers for Medicare and Medicaid Services (CMS)

- Provision of health insurance through Medicare and Medicaid
- Surveys and certification of health care facilities including nursing homes
- Requirement by Social Security (SSA) to meet what's known as conditions of participation (CoP) by a facility, in order to receive Medicare/Medicaid funds (SSA Section 1861)

1.<u>https://www.ecfr.gov/cgi-bin/text-</u> idx?SID=7db07035274456a040371c5839d77a1d&mc=true&tpl=/ecfrbrowse/Title42/42tab_02.tpl 2.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAnd <u>Regs_012521_ADA.pdf</u>



Federal: CMS Conditions of Participation (CoP-Interpretive Guidelines for Infection Prevention/Control)

- Develop and maintain an infection prevention/control program
- Provide a safe, sanitary environment
- Prevent the transmission of communicable diseases
- Surveillance must be systematic
 - For example, infections must be logged
- Support from leadership:
 - To ensure that problems identified by infection prevention are addressed
 - Takes responsibility for corrective action plans when issues/gaps/problems are identified

^{1.}https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/GuidanceforLawsAndRegulations/Nursing-Homes



Federal Regulations: CMS Title 42

- Subchapter G Standards and Certification
 - Part 482 Conditions of Participation For Hospitals
 - Part 483 Requirements For States and LTC
 - Part 484 Home Health Services
 - Part 493 Laboratory Requirements
 - Part 494 Conditions for Coverage for End-Stage Renal Disease Facilities

^{1.}https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAnd Regs_012521_ADA.pdf



Federal: CMS Regulatory Requirements

Infection Control 483.80 Requirements:

- Designated Infection Prevention and Control Officer (IPCO) with specialized training
- Infection Prevention and Control Plan (IPCP)

Phase 1	Phase 2	Phase 3
Effective November 28, 2016	Effective November 2017	Effective November 2019
 Isolation should be least restrictive for the resident Flu vaccination offered each year 10/1–3/31 Annual review of policies 	 Implement antibiotic stewardship 	 Identify designated infection prevention lead Designated infection prevention lead must participate on Quality Assurance Committee

6

Source: Centers for Medicare & Medicaid Services. https://www.gpo.gov/fdsys/pkg/FR-2016-10-04/pdf/2016-23503.pdf



https://qioprogram.org/sites/default/files/2021-06/Nursing%20Home%20Training%20Call%20Presentation_07_16_2020_FNL_508.pdf



Federal: CMS Value-Based Purchasing Program

- Participating facilities in CMS quality/incentive reporting programs are required to track and report
- Penalties from CMS (facilities who do not show improvement)
 - Significant amount of Medicare claims dollars can be withheld (up to 2 percent)

1.<u>https://www.cms.gov/files/document/snf-vbp-faqs-april-2021.pdf</u> 2.<u>https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCou</u> rse_Qs_LawsAndRegs_012521_ADA.pdf



State Oversight: CDPH Licensing and Certification (L&C)

- Headquartered in Sacramento
- 18 district offices with >600 health facility evaluator nurses (HFEN) = surveyors
- Licenses SNF facilities to operate in California

1.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAnd Regs_012521_ADA.pdf



State: SNF Surveys

- Surveys of SNFS are conducted by CDPH at least every 6–16 months
 - To assess compliance with state and federal standards
 - Focus on facilities with outbreaks
 - Facility will be surveyed out of schedule (sooner than usual)
 - Complaints
 - Facility will be visited immediately
 - Revisits may occur (by other agencies) if high risk findings are reported

1.https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/Regulations.aspx
2.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF OnlineIPCourse Qs LawsAnd Regs 012521 ADA.pdf



State: Part 42 Subpart B: Requirement for LTCF

§483.5 Definitions

§483.10 Resident Rights

§483.12 Freedom from Abuse, Neglect, and Exploitation

§483.15 Admission Transfer and Discharge Rights

§483.20 Resident Assessment

§483.21 Comprehensive Person-Centered Care Plans

§483.24 Quality of Life

§483.25 Quality of Care

§483.30 Physician Services

§483.35 Nursing Services

§483.40 Behavioral health services

§483.45 Pharmacy Services

§483.50 Laboratory Radiology and Other Diagnostic Services

§483.55 Dental Services

§483.60 Food and Nutrition Services

§483.65 Specialized Rehabilitative Services

§483.70 Administration

§483.75 Quality Assurance and Performance Improvement

§483.80 Infection Control F Tag 880 lives here

§483.85 Compliance and Ethics Program

§483.90 Physical Environment

§483.95 Training Requirements



1.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAnd Regs_012521_ADA.pdf



State: California Law and Regulations Terminology the difference between:

- Bills:
 - Passed by California legislature
 - If signed by governor, bill becomes law (or statute)
 - Laws related to health become part of the California Health and Safety Code (HSC)
- Regulations:
 - Written by State Executive Branch, agency or department like CDPH to:
 - Carry out what a bill authorizes or requires a State department to do
 - Clarifies bill requirements (less common)



State: CDPH All Facilities Letters (AFLs)

- Communicates with healthcare facilities about laws and regulations
- Sent out to inform facilities of:
 - new requirement or technologies
 - change of requirement in healthcare
 - clarify an existing law/regulation
 - Enforcement actions
 - Scope of practice clarifications
 - General information that affects health facility
- The absence of an AFL <u>does not</u> absolve a facility from complying with the law
- 1.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF OnlineIPCourse Qs LawsAnd Regs 012521 ADA.pdf 2.https://www.cdph.ca.gov/programs/chcq/lcp/pages/Incafl.aspx



State: Antibiotic Stewardship (ABS) for SNF

- <u>AFL 15-30</u>: Requires each SNF to adopt ABS policy
 - SB 361: Failure to comply results in enforcement actions per HSC section 1423
 - Authority by HSC section 1275.4
- Must align ABS with the 7 Core Elements of Antibiotic Stewardship for Nursing homes:
- 1. Leadership commitment Support of safe antibiotic use
- 2. Accountability from Physician, Nursing, Pharmacists leads
- 3. Drug expertise pharmacist or consultant pharmacists
- 4. Action at least 1 policy or procedure pertaining to antibiotic use
- 5. Tracking at least 1 process measure of use or outcome from antibiotic use
- 6. Reporting regular feedback on antibiotic use
- 7. Education resources to clinicians, nursing, residents, families

^{1.}https://www.cdc.gov/longtermcare/prevention/antibiotic-stewardship.html 2.https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-15-30.aspx



Example: AFL 20-85 (SNF)

- Notifies SNFs of AB 2644 requiring full time IP
 - FT IP requirement:
 - At present must be LVN or RN (may job share)
 - Hours specified for the IP cannot include hours spent in direct care services
 - Minimum number of hours and content for this training in <u>AFL-20-</u> <u>84.</u>
 - Provide annual training for HCP in the facility
 - Reporting communicable diseases during a declared emergency
 - Disease or suspect disease related death reported within 24 hours
 - Refers to <u>AFL 20-43.3</u> Daily Reporting which requires data entry into NHSN

^{1.&}lt;u>https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-20-85.aspx</u>

https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF OnlineIPCourse Qs LawsAnd Regs 012521 ADA.pdf



LICENSING AND CERTIFICATION PROGRAM

All Facilities Letters - 2021

It is recommended to use Google Chrome, Microsoft Edge, or Firefox as your web browser when opening the AFL. Internet Explorer may not work correctly.

All Facilities Letters are listed in ascending order by release date, with updated AFLs listed directly after their original version.

Bulletin Number	Facility Type Affected	Subject	Release Date
AFL 21-01	Skilled Nursing Facilities	Annual Announcement: Online Application Period for Patient Needs Waiver (PNW) and Workforce Shortage Waiver (WSW)	01/11/2021
AFL 21-02	General Acute Care Hospitals	Residential Alternate Care Site (R-ACS) Option to Increase Bed Capacity Due to Anticipated Surge in Coronavirus Disease 2019 (COVID-19)	01/12/2021
AFL 21-03	Primary Care Clinics (PCCs), Adult Day Health Centers (ADHCs), Home Health Agencies (HHAs)	Implementation of Assembly Bill (AB) 1128 – Program of All- Inclusive Care for the Elderly (PACE): Facility Licensing Exemption	01/12/2021
AFL 21-04	General Acute Care Hospitals, Acute Psychiatric Hospitals	AB 2037 - Updated Notice Timelines for Hospital Closure, Reduction or Elimination of Emergency Medical Service, and Relocation or Elimination of Supplemental Services	01/13/2021
AFL 21-05	Skilled Nursing Facilities	Process for Fit-testing Resource Requests	01/13/2021
AFL 21-06	Skilled Nursing Facilities (SNF), Intermediate Care Facilities (ICF)	Survey on the Use of Interdisciplinary Teams (IDT) for Unrepresented Residents	01/20/2021
AFL 21-07	Skilled Nursing Facilities, General Acute Care Hospitals	Maintain Efforts to Increase Staffing Levels	01/24/2021
AFL 21-08.3 (Supersedes AFL 21-08.2)	General Acute Care Hospitals, Acute Psychiatric Hospitals, Skilled Nursing Facilities	Guidance on Quarantine for Health Care Personnel (HCP) Exposed to SARS-CoV-2	06/28/2021



State: California Title 22 Regulations

- Division 5 Licensing and Certification of Health Facilities
 - Chapter 1 General Acute Care Hospital
 - Article 7 Administration
 - Chapter 2 Acute Psychiatric Hospital
 - Chapter 3 Skilled Nursing Facilities
 - Chapter 4 Intermediate Care Facilities
 - Chapter 7 Primary Care Clinics
 - Chapter 7.1 Specialty Clinics
 - Article 6 Hemodialyzer Reuse

 Chapter 12 Correctional Treatment
 1.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAnd Regs_012521_ADA.pdf



California Code of Regulations: Title 22*

- Requires a written infection control program which includes the following:
 - Surveillance,
 - Prevention,
 - And control of infections
- Policies and procedures to include:
 - Management of transmission risks
 - Education
 - Surveillance plan (including outbreak management)
 - Biohazardous equipment and materials identification
- Oversight of the program is part of a multidisciplinary committee
- Care of residents with infectious diseases⁺

https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAndR egs_012521_ADA.pdf

*Title 22, Div 5, Chap 1, Article 7, Sec 70739

⁺Title 22, Div 5, Chap 3, Article 3, Sec 72321



State: Reportable Diseases and Conditions – Title 17

- Subchapter G Standards and Certification
 - Part 482 Conditions of Participation For Hospitals
 - Part 483 Requirements For States and LTC
 - Part 484 Home Health Services
 - Part 493 Laboratory Requirements
 - Part 494 Conditions for Coverage for End-Stage Renal Disease Facilities

1.govt.westlaw.com/calregs/Document/I805AD6B0FB1711DEACA9F33E9EE53480?viewType=F ullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)

2. https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/cdph110a.pdf



State: California Medical Waste Management Act*

- Ensures proper handling and disposal of medical waste throughout California
- Biohazardous waste

1.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAnd Regs_012521_ADA.pdf



State: Cal-OSHA

- Protection of the worker (guidance to keep workers healthy and safe in the state of California)
- Department of Industrial Relations
 - Division of Occupational Safety and Health
- Develops regulations for workplace safety and health
 - Bloodborne Pathogen Standard
 - Aerosol-Transmissible Diseases Standard
 - Respiratory Protection Standard
- Regulations must be <u>as stringent (or more)</u> than federal regulations

^{1.&}lt;u>https://www.dir.ca.gov/dosh/</u>

https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF OnlineIPCourse Qs LawsAnd Regs 012521 ADA.pdf



Local Oversight:

Acute Communicable Disease Control Program (ACDC) • DISEASE SURVEILLANCE AND OUTBREAK SECTION

- Food Safety Unit
- Healthcare Outreach Unit (HOU)
- Hepatitis, Antimicrobial Resistance & Influenza Unit
- Hospital Outbreak, Response & Control Section
- Vector-borne Disease Unit
- Automated Disease & Syndromic Surveillance (ADSS) Section
- EPI/Data Support Section
- Planning, Policy, Prevention Unit
- Administration



Local Oversight (cont.) - ACDC Healthcare Outreach Unit (HOU)

- Acute Care Hospital Team
 - Liaison Public Health Nurses- assigned to specific acute care hospitals and long-term care acute care hospitals (LTACs)
- Outpatient Clinics and Dialysis Team
- Long-Term Care Facilities Team
 - Skilled Nursing Facilities
 - Community Care Facilities: A Subset of Congregate Care Facilities



Skilled Nursing Facilities Team

Skilled Nursing Facilities

- 336 SNFs (315 Free standing SNFs, 21-D/P SNFs in LAC), not including Long Beach and Pasadena: *health* facility or a distinct part of a hospital
 - provides continuous skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.
 - 24-hour inpatient care includes, as a minimum, physician, skilled nursing, dietary, pharmaceutical services, and an activity program

Intermediate Care Facilities (ICFs) & Congregate Living Health Facilities (CLHFs)

- 272 ICFs : provides care and support services to developmentally disabled clients whose primary need is for developmental services and who have a recurring but intermittent need for skilled nursing services.
- **136 CLHFs** : skilled nursing care on a recurring, intermittent, extended, or continuous basis
 - care is generally less intense than that provided in general acute care hospitals but more intense than that provided in skilled nursing facilities



DPH Public Health Centers Community and Field Services Division (Outbreak Management Branch)

I. CFS/OMB

- Conducts surveillance and medical case management of reportable communicable diseases
- Contains the spread of communicable diseases, and
- Provides numerous outreach activities to engage the community as active participants to improve the health of residents.
- II. Clinic Services
 - Provides clinical services through 14 public health centers (plus a satellite site on Skid Row)
 - Clinical services offered immunizations, and screening and treatment of tuberculosis and sexually transmitted diseases.
 - COVID-19 strike team, contact tracing





Local: Health Facilities Inspection Division (Licensing & Certification)

- Has the authority and responsibility for the licensing and certification of health facilities and ancillary health services (Total of 1,964 in LAC area), including:
- Acute care hospitals, Nursing Homes, Homes for the developmentally disabled, Hospice Programs, Ambulatory surgical centers, Dialysis clinics, Primary care clinics, Home Health Agencies, Congregated Living Facilities (catastrophic and severely disabled, ventilator dependency, terminal illness)
- Since COVID-19 Pandemic, conduct the daily counts of cases/suspects/deaths of residents/staff on facilities (i.e., SNFs) with COVID-19 OBs and conducts onsite/virtual visits in coordination with ACDC, OMB.



Resources (Federal Regulations)

Centers for Medicare and Medicaid Services (CMS)

(www.cms.gov)

CMS Regulations & Guidance

(www.cms.gov/home/regsguidance.asp)

CMS Conditions of Participations (CoPs)

(https://www.cms.gov/Regulations-and-Guidance/Legislation/CFCsAndCoPs/LTC)

CMS State Operations Manual (Guidance to Surveyors for LTC)

(https://www.cms.gov/Regulations-and-Guidance/Legislation/CFCsAndCoPs/Downloads/som107ap_pp_guideli nes_ltcfpdf)



Resources (Federal Regulations)

Quality Improvement Organization (QIO) (https://qioprogram.org/)

<u>QIO for California = Health Services Advisory Group (HSAG)</u> (https://www.hsag.com/en/medicare-providers/)



Resources (State)

HAI Specific Legislation, Regulations and AFLs

(https://www.cdph.ca.gov/Programs/CHCQ/HAI/Pages/AFLsLegis lation.aspx#)

<u>Cal/OSHA Workplace Guide to ATD</u> (which has a nice list with hyperlinks to additional Title 8 topics under "Resources") (https://www.dir.ca.gov/dosh/dosh_publications/ATD-Guide.pdf)



Resources (Local - LACDPH)

LACDPH-ACDC SNF webpage

(publichealth.lacounty.gov/acd/snf.htm)

LACDPH-ACDC SNF COVID-19 Guidance

(http://publichealth.lacounty.gov/acd/ncorona2019/healthfaciliti es/snf/prevention/)

LACDPH-ACDC-COVID-19 Healthcare Provider Information Hub (http://publichealth.lacounty.gov/acd/ncorona2019/)



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Local

- Los Angeles County Department of Public Health
 - Environmental Health
 - Communicable Disease reporting

1.https://www.cdph.ca.gov/Programs/CHCQ/HAI/CDPH%20Document%20Library/SNF_OnlineIPCourse_Qs_LawsAnd Regs_012521_ADA.pdf



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Programming

Session	Date (2021)	Covered Topics
Week 1	Wednesday, Sept 22nd	Antimicrobial Stewardship
Week 2	Wednesday, Sept 29th	Office Hours
Week 3	Wednesday, Oct 6th	Disease Surveillance
Week 4	Wednesday, Oct 13th	Office Hours
Week 5	Wednesday, Oct 20th	Outbreak Investigation
Week 6	Wednesday, Oct 27th	Office Hours
Week 7 (Today!)	Wednesday, Nov 3rd	Regulatory Bodies
Week 8	Wednesday, Nov 10th	Office Hours
Week 9	Wednesday, Nov 17th	Communication, Education and Advocacy
Week 10	Wednesday, Nov 24th	Week of Thanksgiving (off)
Week 11	Wednesday, Dec 1st	Office Hours
Week 12	Wednesday, Dec 8th	Professional Development, Resources and Other IP Settings
Week 13	Wednesday, Dec 15th	Office Hours



Questions

