

CMS Life Safety Code Categorical Waiver Process

1. Categorical waivers follow the process below:
 - A. A provider must formally elect to use one or more of the waivers and must document their election decision (via official letter, policy, procedure development).
 - B. If the provider conforms to the requirements identified for each categorical waiver elected, it will not need to apply specifically to CMS for the waiver, nor will it need to wait until being cited for a deficiency in order to use this waiver.
 - C. At the entrance conference for any survey assessing LSC compliance, the provider that has elected to use a categorical waiver **must notify** the LSC surveyor of this fact, and that it meets the applicable waiver provisions.
 1. The waivers elected by the facility must be presented before the facility tour or record review. Preferably, the facility will inform the LSC Surveyor during the entrance conference.
 2. It is not acceptable for a healthcare facility to first notify surveyors of categorical waiver election after a LSC citation has been issued.
 - D. If the LSC surveyor determines that the waiver provisions are not being met, the provider will be cited a deficiency under §483.70(a) (2)