



CMS Termination of Selected Emergency Blanket Waiver Flexibilities Effective June 6, 2022

On April 7, 2022, the Centers for Medicare and Medicaid Services (CMS) [announced the termination of selected emergency declaration blanket waivers](#) that were enacted under section 1135 of the Social Security Act to assist health care providers with COVID-19.

Effective June 6, 2022, the following flexibilities expire, and providers must return to compliance with the reinstated requirements in accordance applicable federal regulations:

FLEXIBILITY	PROVIDER(S)
<ul style="list-style-type: none"> • Equipment Maintenance & Fire Safety Inspections for ESRD facilities - 42 CFR §494.60(b) and(d) - CMS waived the requirement for on-time preventive maintenance of dialysis machines and ancillary dialysis equipment. Additionally, CMS waived the requirements for ESRD facilities to conduct on-time fire inspections. 	<ul style="list-style-type: none"> • End-Stage Renal Disease Facilities
<ul style="list-style-type: none"> • Physical Environment for SNF/NFs - 42 CFR §483.90 - CMS waived requirements to allow for a non-SNF building to be temporarily certified and available for use by a SNF in the event there were needs for isolation processes for COVID-19 positive residents, which may not be feasible in the existing SNF structure to ensure care and services during treatment for COVID-19, provided that the state has approved the location as one that sufficiently addresses safety and comfort for patients and staff. <ul style="list-style-type: none"> ○ Certain conditions of participation and certification requirements for opening a NF if the state determines there is a need to quickly stand up a temporary COVID-19 isolation and treatment location. ○ Requirements to temporarily allow for rooms in a long-term care facility not normally used as a resident’s room, to be used to accommodate beds and residents for resident care in emergencies and situations needed to help with surge capacity. 	<ul style="list-style-type: none"> • Long-Term Care Facilities
<ul style="list-style-type: none"> • Facility and Medical Equipment Inspection, Testing & Maintenance (ITM) for Inpatient Hospice, ICF/IIDs and SNFs/NFs – 42 CFR §§418.110(c)(2)(iv), 483.470(j), and 483.90 - CMS waived ITM requirements for facility and medical equipment to reduce disruption of patient care and potential exposure/transmission of COVID-19. 	<ul style="list-style-type: none"> • Hospitals • Long-Term Care Facilities • Inpatient Hospice
<ul style="list-style-type: none"> • Life Safety Code (LSC) and Health Care Facilities Code (HCFC) ITM for Inpatient Hospice, ICF/IIDs and SNFs/NFs - 42 CFR §§ 418.110(d)(1)(i) and (e), 483.470(j)(1)(i) and (5)(v), and 483.90(a)(1)(i) and (b) - CMS waived ITM required by the LSC and HCFC, with specified exceptions, which permitted facilities to adjust scheduled ITM frequencies and activities to the extent necessary. 	<ul style="list-style-type: none"> • Hospitals • Long-Term Care Facilities • Inpatient Hospice

<ul style="list-style-type: none"> • Outside Windows and Doors for Inpatient Hospice, ICF/IIDs and SNFs/NFs – 42 CFR §§418.110(d)(6), 483.470(e)(1)(i), and 483.90(a)(7) - CMS waived the requirement to have an outside window or outside door in every sleeping room. This permitted spaces not normally used for patient care to be utilized for patient care and quarantine. 	<ul style="list-style-type: none"> • Long-Term Care Facilities • Inpatient Hospice
<ul style="list-style-type: none"> • Life Safety Code for Inpatient Hospice, ICF/IIDs, and SNFs/NFs - 42 CFR §§418.110(d), 483.470(j), and 483.90(a) - CMS waived these specific LSC provisions: <ul style="list-style-type: none"> ○ Fire Drills: Due to the inadvisability of quarterly fire drills that move and mass staff together, CMS permitted a documented orientation training program related to the current fire plan, which considered current facility conditions. ○ Temporary Construction: CMS waived requirements that would otherwise not permit temporary walls and barriers between patients. 	<ul style="list-style-type: none"> • Long-Term Care Facilities • Inpatient Hospice
<ul style="list-style-type: none"> • Paid Feeding Assistants for LTC facilities: 42 CFR §§483.60(h)(1)(i) and 483.160(a) - CMS modified the requirements regarding required training of paid feeding assistants to allow that training can be a minimum of one hour in length. CMS did not waive other requirements related to paid feeding assistants or required training content. 	<ul style="list-style-type: none"> • Long-Term Care Facilities
<ul style="list-style-type: none"> • In-Service Training for LTC facilities – 42 CFR §483.95(g)(1) - CMS modified the nurse aide training requirements for SNFs and NFs, which required the nursing assistant to receive at least 12 hours of in-service training annually. 	<ul style="list-style-type: none"> • Long-Term Care Facilities
<ul style="list-style-type: none"> • Training and Certification of Nurse Aides for SNF/NFs - 42 CFR §483.35(d) (Modification and Conditional Termination) - CMS waived the requirements which require that a SNF and NF may not employ anyone for longer than four months unless they met the training and certification requirements under §483.35(d). CMS previously provided information related to nurse aides working under this blanket waiver in CMS memorandum QSO-21-17-NH. 	<ul style="list-style-type: none"> • Long-Term Care Facilities

Questions? Please contact Health Facilities Licensing & Certification at dhcs.hflc@alaska.gov.