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## Updates for ICF/IDD Providers from ANCOR

Last week, a group from ANCOR had one of their recurring meetings with CMS on ICF issues during the pandemic. Notes from the call are below.

Surveillance and On-going Testing: There is no update or anticipated changes regarding how CMS is handling surveillance testing in ICFs. Requirements and guidance for this are being implemented on the state and local levels. They did refer back to the [CDC guidance](#) for surveillance guidance..

Regulatory Compliance: During the PHE, guidance, directives, and/or Executive Orders have looked very different from state to state and region to region. If such regional, state, or local expectations conflict with federal regulation, providers should document carefully on whether they used an 1135 waiver or otherwise were unable to comply with a regulation due to state-issued directives. Examples of this being dental visits delayed due to dental offices being closed by state order OR visits not occurring due to directive of state surveyor/Medicaid agencies.

Re-Certification Surveys in the future: There is nothing planned yet regarding providing ICF/IDD state surveyor training before re-certification surveys begin again. Should a training be developed, providers will be able to access such training through the portal. Than made a strong argument for the need to have consistency amongst surveyors on what types of documentation will be required regarding adjustments made due to the pandemic. Also, there are updated directives on the re-prioritizing of surveys (beginning re-certification surveys again), which are currently in the clearance process with CMS and will be forthcoming (timing is unknown).

1135 Waivers: As previously discussed, the 1135 waiver approval and management process have been shifted to a different division in CMS. Questions regarding 1135 waivers should be sent to [linda.smith@cms.hhs.gov](mailto:linda.smith@cms.hhs.gov). Also, it is not a mandate by CMS that state surveying agencies be notified when a provider uses a blanket waiver, but state to state requirements may differ.

Cost Reporting Federal Funding: It was inquired as to whether or not CMS will be issuing any specific directives or guidance on how states should be considering grant and other federal COVID related funding (offset them from costs or not), the CMS staff on the call stated that they would need to pose these questions to others within CMS and follow up at a future meeting.

For further information please contact [Carol Ferenz](#).