

# Division of Licensing and Certification

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August 3, 2022



# §482.13 Condition of Participation: Patient's

A-0144 §482.13(c)(2) - The patient has the right to receive care in a safe setting.

Surveyor tasks:

- Review and analyze patient and staff incident and accident reports to identify any incidents or patterns of incidents concerning a safe environment. Expand your review if you suspect a problem with safe environment in the hospitals.
- Observe patient care environments for unattended items such as utility or housekeeping carts that contain hazardous items that may pose a safety risk to patients, visitors and staff. Examples of these items could include cleaning agents, disinfectant solutions, mops, brooms, tools, etc.
- Interview staff in patient care areas to determine how the hospital has trained staff to identify risks in the care environment and if found, how staff report those findings.
- Review policy and procedures and interview staff to determine how the hospital defines continuous visual observation or 1:1 observation in which a staff member is assigned to observe only one patient at all times.
- Observe and interview staff at units where infants and children are inpatients. Are appropriate security protections (such as alarms, arm banding systems, etc.) in place? Are they functioning?
- Review policy and procedures on what the hospital does to curtail unwanted visitors, contaminated materials, or unsafe items that pose a safety risk to patients and staff.
- Access the hospital's security efforts to protect vulnerable patients including newborns, children and patients at risk of suicide or intentional harm to self or others. Is the hospital providing appropriate security to protect patients? Are appropriate security mechanisms in place and being followed to protect patients? Security mechanisms must be based on nationally recognized standards of practice.

## §482.41 Condition of Participation: Physical Environment

The hospital must be constructed, arranged, and maintained to ensure the safety of the patient, and to provide facilities for diagnosis and treatment and for special hospital services appropriate to the needs of the community.

Surveyor procedures & probes:

- Survey of the Physical Environment CoP should be conducted by one surveyor. However, each surveyor as he/she conducts his/her survey assignments should assess the hospital's compliance with the Physical Environment CoP.
- Throughout the survey observe for supplies and equipment stored consistent with manufacturer recommendations and so as not to endanger patient safety. Interview staff to ensure equipment is maintained, cleaned, and sanitized so as not to endanger patient health and safety.
- Verify that the hospital is in compliance with ventilation requirements for patients with contagious airborne diseases, such as tuberculosis, patients receiving treatments with hazardous chemical, surgical areas, and other areas where hazardous materials are stored.
- The Life Safety Code survey may be conducted separately by specialty surveyors.



## §482.41(a) Standard: Buildings

The condition of the physical plant and the overall hospital environment must be developed and maintained in such a manner that the safety and well-being of patients are assured.

- Verify that the condition of the hospital is maintained in a manner to assure the safety and well-being of patients (e.g., condition of ceilings, walls, and floors, presence of patient hazards, etc.).
- Review the hospital's routine and preventive maintenance schedules to determine that ongoing maintenance inspections are performed and that necessary repairs are completed.
- Review a copy of the most recent environmental risk assessment to determine if the hospital has identified any accessibility, age-related, security, suicide and/or weather-related risks or concerns. If environmental safety concerns have been identified in this assessment, what plans have been implemented by the hospital to ensure patient/staff safety?

# §482.11(a) Condition of Participation: Compliance with Federal, State and Local Laws

## FEDERAL HOSPITAL REGULATIONS SURVEY TOOL (Regulatory Rev. 149, 109--15)

Hospital \_\_\_\_\_

Date \_\_\_\_\_

Surveyor \_\_\_\_\_

### §482.11 Condition of Participation: Compliance With Federal, State and Local Laws

TAG #	REGULATIONS	Met	Not Met	SURVEY PROCEDURES & COMMENTS
Tag A-0021	§482.11(a) The hospital must be in compliance with applicable Federal laws related to health and safety of patients.			All surveyors responsible for this
A-0022	<p>§482.11(b) The hospital must be-</p> <ol style="list-style-type: none"> <li>1. Licensed</li> <li>2. Approved as meeting standards for licensing established by the agency of the State locality responsible for Licensing hospitals.</li> </ol>			<ol style="list-style-type: none"> <li>1. Section 2.4 License is posted prominently.</li> <li>2. Section 2.11 Changes in CEO or Administrator reported to the Department within 10 working days</li> <li>3. Section 2.16 Changes in accreditation status reported to the Department within 10 working days</li> <li>4. Section 2.21 Construction costing more than \$50k must be approved...</li> <li>5. Section 3.5.1 Grievance Procedure for recipients of mental health services (Rights of Recipients)</li> <li>6. Section 3.5.5 Records retained for 7 yrs (if pt is a minor, retained for 6 yrs after age of majority)</li> <li>7. Section 3.5.7 At D/C, must provide pt with written notice that upon request, hospital will provide itemized bill.</li> <li>8. Section 3.5.8 Must maintain a price list of most common inpt services</li> <li>9. Section 3.5.11 Must provide list of HHA's/nursing facilities to pts being D/C 'ed with those services.</li> </ol>

## §482.11(a) Condition of Participation: Compliance with Federal, State and Local Laws

TAG #	REGULATIONS	Met	Not Met	SURVEY PROCEDURES & COMMENTS
A-0023	<p><b>§482.11(c) The hospital must assure that personnel are licensed or meet other applicable standards that are requires by State or local laws.</b></p>			<ol style="list-style-type: none"> <li>1. Review personnel files</li> <li>2. Criminal background statute falls under:                      Title 22: Health and Welfare                      Subtitle2: Health                      Part 4: Hospitals and Medical Care                      Chapter 401: general Provisions                      1724. Criminal background checks                      "Beginning October1, 2010, a facility...subject to licensing or Certification processes of chapter 405, shall obtain, prior to hiring an individual who will work in direct contact with a consumer, a criminal history record information on that individual..."</li> <li>3. Evidence of compliance with:                      MRS 1717 Title 22: Health and Welfare subtitle 2: Health Part 4: Hospitals and Medical Care Chapter 401 subset 1718. Consumer information                      Each hospital or Ambulatory surgical center licensed under chapter 405 shall, upon request by an individual, provide the average charge for any inpatient service or outpatient procedure...The hospital or ambulatory surgical center shall prominently display a notice informing individuals of an individual's authority to request information on the average charges described in in this paragraph from the hospital or ambulatory surgical center. [2013] <b>(person assigned Pt Rights COP has been assigned to: look for posting. Ask where the signs are posted. Ask how pt's are made aware of this right)</b></li> <li>4. §1832. Safety and security in hospitals                      A hospital licensed under this chapter shall, on an annual basis, adopt a safety and security plan to protect the patients, visitors and employees of the hospital from aggressive and violent behavior. The safety and security plan must include a process for hospitals to receive and record incidents and threats of violent behavior occurring at or arising out of employment at the hospital. The safety and security plan must prohibit a representative or employee of the hospital from interfering with a person making a report as provided in the plan.</li> </ol>



# Questions?

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