

# MEMORANDUM

## Texas Department of Aging and Disability Services

**TO:** Regulatory Services Division  
Regional Directors and State Office Managers

**FROM:** Michelle Dionne-Vahalik, Unit Manager  
Policy Development and Support Unit  
State Office MC E-370

**SUBJECT:** Regional Survey and Certification (RS&C) Letter No. 08-01

**DATE:** January 31, 2008

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The attached Centers for Medicare and Medicaid Services (CMS), Regional Survey and Certification (RS&C) Letter was issued on December 20, 2007. This letter, which was distributed by e-mail on the date of its issue, is being provided to you for information purposes and should be shared with all professional staff.

- RS&C Letter No. 08-01 – Procedures for Non-Long Term Care Facilities with Standard Level Deficiencies at the Initial Survey

If you have any questions about this memo, please contact a HCSSA program specialist in the Policy, Rules, and Curriculum Development Unit at (512) 438-3161.

Michelle Dionne-Vahalik

Attachment



**Division of Survey and Certification, Region VI**

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December 20, 2007

**REGIONAL SURVEY AND CERTIFICATION LETTER NO. 08-01**

**TO:** All State Survey Agencies (Action/Information)  
All Title XIX Single State Agencies (Action/Information)

**SUBJECT: Procedures for Non-Long Term Care Facilities with Standard Level Deficiencies at the Initial Survey.**

**This Regional Survey and Certification (RS&C) letter supersedes RS&C letter 04-01.**

In accordance with 42 CFR 489.13, if the provider had standard level deficiencies at the initial survey, state on the CMS 1539, Block 16, the date the Plan of Correction (PoC) was received and the date the PoC was approved by the state survey agency, the approving authority. **The effective date for Medicare participation is the day the PoC was received.** Therefore, page one of the CMS-2567 should be marked with the date of receipt, regardless of when the PoC was approved.

Also, have the first page of the CMS-2567 signed and dated by the approving authority. 42 CFR 489.13(c)(2)(ii) states in part:

“The date on which a provider or supplier is found to meet all conditions of participation or coverage, but has lower level deficiencies, and CMS or the State survey agency **receives** an acceptable plan of correction for the lower level deficiencies, or an approvable waiver request, or both. (The date of receipt is the effective date regardless of when CMS approves the plan of correction or the waiver request, or both.)”

These instructions also apply in instances when the PoC is received while the survey team is on site at the facility.

If you have any questions, please call our division number, 214.767.6301, to speak with the designated certification specialist.

Sincerely,

Ginger Odle  
Acting, Associate Regional Administrator  
Division of Survey & Certification