



Herb B. Kuhn  
President and CEO  
P.O. Box 60  
Jefferson City, MO 65102

December 2, 2020

ROCHIS@cms.hhs.gov  
Centers for Medicare & Medicaid Services  
Midwest Consortium  
Chicago, IL

RE: Missouri Section 1135 Waiver Request  
Provider Name/Type — All Missouri Hospitals and Health Systems

Dear Sir/Madam:

On March 20, the Centers for Medicare & Medicaid Services issued QSO-20-20-All, prioritizing survey activity during the anticipated COVID-19 surge. At that time, surveys were limited to complaints and facility-reported incidents triaged at the immediate jeopardy level and targeted infection control inspections. On August 17, the agency announced it was resuming inspections of all Medicare and Medicaid certified providers. During the past month, a massive surge in hospitalized COVID-19 patients has occurred nationwide. The majority of states, including Missouri, now is in the red zone as identified by the White House Coronavirus Task Force.

When CMS issued QSO-20-20-All, it clearly recognized the resource commitments required to respond to surveys and inspections. Currently, most of Missouri’s hospitals — large and small, urban and rural — are at or nearing capacity as COVID-19 infections reach peak levels. Staffing shortages are compounding this crisis as members of the health care workforce personally are impacted by the virus. Nurses are in critically short supply across the state and all members of the hospital workforce are overwhelmed by the volume of patients. In order to preserve these valuable resources, the Missouri Hospital Association, on behalf of its 141 members, requests CMS waive for at least 60 days survey requirements other than inspections of infection control practices with the potential to cause immediate jeopardy or, alternatively, issue substantially similar guidance prioritizing those activities as it did in March.

As survey activity has increased in Missouri, hospitals are reporting investigations of complaints dating prior to the agency’s August resumption of regular survey activity. Any complaint dating back to that timeframe that has not been triaged as immediate jeopardy is extremely unlikely to result in harm. MHA requests CMS further direct state survey agencies to absolve any unresolved complaints dating prior to the resumption of regular survey activity.

Thank you for your attention to these requests. Missouri hospitals must be able to direct their scarce resources to front line care and mitigating the effects of this pandemic. Suspending survey activity during this current, devastating surge will ensure effective use of our health care resources.

Sincerely,

Herb B. Kuhn  
President and CEO

hbk:jcd/ts

c Randall W. Williams, M.D., FACOG  
Jeff Kahrs