

CMS Issues Memo to Outline Contingency Plans During Government Shutdown

Hawley Hunt

Recently, the Centers for Medicare & Medicaid Services (CMS) released a [QSO memo](#) outlining the contingency plan for the Quality, Safety & Oversight Group (QSOG) and the Survey & Operations Group (SOG) during the federal government shutdown. The memo provided information on several areas that directly affect nursing home providers.

Survey and Certification Activities Not Affected by the Federal Government Shutdown

1. CMS or State Vendor Contracts Awarded on or before September 30, 2025.
2. State Funded Surveys- these are surveys that occur in addition to any federally required surveys.
3. Surveys of Medicaid-only facilities.

Expected Medicare Functions During the Shutdown

1. **Complaint Investigations Alleging Harm:** State Agencies are expected to conduct complaint investigations when the complaint was triaged as a credible allegation of immediate jeopardy (IJ) or harm to an individual. CMS notes, states should maintain the infrastructure to accept complaints, log, and triage the complaints, throughout the length of the Federal Government shutdown.
2. **Certain Federal Enforcement Actions:** If any enforcement actions are needed, as a result of a complaint investigation detailed in number one, state agencies must continue to process enforcement and transfer cases that meet the Immediate Imposition of Federal Remedies requirements, as these represent resident harm.
3. **Revisit Surveys Approved By Exception and Necessary To Prevent Termination:** State Agencies may request approval to conduct revisits when a provider has alleged compliance, and the revisit survey is needed to determine compliance and prevent the scheduled Medicare termination, and the Medicare termination is likely to occur due to timing or specific circumstances.
4. **Immediate Threat To Life Or Safety (Emergencies Or Natural Disasters):** State Agencies are directed to take action to prevent or mitigate any other immediate threats to the life or safety of residents. This may be necessary during a public health emergency, for example.
5. **Orderly Shutdown Of Other Tasks:** The memo notes that if tasks were being conducted on September 30, 2025, those tasks should be completed, if they can be completed within four hours. An example of this includes uploading completed survey information into iQIES.

Activities Not Supported During a Federal Government Shutdown

1. Standard (Recertification) Surveys
2. Revisit Surveys, which do not meet the requirements in the section above (number 3).
3. Initial Surveys
4. Complaint investigations that were not triaged at the immediate jeopardy or actual harm level.
5. **Informal Dispute Resolutions (IDRs):** No IDRs or Independent IDRs should be completed.
6. **New approvals for CMP-funded projects:** New projects will not be approved during the Federal Government Shutdown. However, if the project was already approved, facilities may proceed as planned.

CMS notes that it will provide additional information if the shutdown continues longer than anticipated. Additional information on the Federal Government Shutdown may be found [here](#). For any questions, please email regulatory@ahca.org.