

## ASPR TRACIE Technical Assistance

**Request Receipt Date (by ASPR TRACIE):** 18 November 2016

**Response Date:** 2 December 2016; updated 8 December 2017; updated 10 June 2019

**Type of TA Request:** Standard

### Request:

The requestor asked for technical assistance in researching agreement letters, Memoranda of Understanding (MOUs), and other resources in response to the new Centers for Medicare & Medicaid Services (CMS) Emergency Preparedness (EP) Rule requirements. She noted that she works for a vendor that supplies a range of healthcare facilities (e.g., hospitals, long term care facilities, home care agencies) with various supplies. She also stated that her company is receiving several requests from their customers asking for an agreement letter stating that they will still serve as a supplier during an emergency and they will continue to receive resources.

### Response:

The ASPR TRACIE Team reached out the CMS for a response to this request. CMS noted that there are no specific requirements or guidance in the current regulations for vendors. However, CMS will include more information in their next iteration of the [Frequently Asked Questions \(FAQs\) document](#).

ASPR TRACIE also researched resources for agreement letters, MOUs, and other templates between vendors and healthcare facilities. Unfortunately, there are not many publically available resources. However, we found a few that could be helpful and modified for individual organizational use. These materials are in Section I of this document. In addition, Section II provides other guidance resources.

### CMS-specific Information (updated):

In February 2019, CMS updated the [State Operations Manual: Appendix Z-Emergency Preparedness for All Provider and Certified Supplier Types Interpretive Guidance](#), which addresses specific regulatory expectations. The updated document includes emerging infectious diseases to the definition of all-hazards approach; provides new Home Health Agency citations; and lists clarifications under alternate source power and emergency standby systems. It is also posted on the CMS website (under the Downloads section): <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Emergency-Prep-Rule.html>.

ASPR TRACIE has developed and collected a number of resources that we encourage you to use and believe will help facilitate compliance, including the resources provided in this response. However, this does not substitute review of the final rule text and interpretive guidelines. If you have specific questions about your facility's compliance please review the interpretive guidelines, or contact your state's survey agency or the CMS Quality, Safety & Oversight Group (QSOG) at the following email address: [SCGEmergencyPrep@cms.hhs.gov](mailto:SCGEmergencyPrep@cms.hhs.gov).

CMS and ASPR TRACIE are partnering to provide technical assistance, and share resources and promising practices to help affected providers and suppliers start or update the documents mandated by the new Emergency Preparedness rule. Additional key resources include:

- The ASPR TRACIE dedicated CMS Rule page: <https://asprtracie.hhs.gov/cmsrule>
- The entire CMS Emergency Preparedness Rule: <https://federalregister.gov/a/2016-21404>
- The CMS Emergency Preparedness Survey and Certification Page: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/Emergency-Prep-Rule.html>
- CMS has developed a [Quick Glance Table of the rule requirements by provider type](#), to highlight key points of the new Emergency Preparedness rule. **NOTE:** This table is not meant to be an exhaustive list of requirements nor should it serve as a substitute for the regulatory text.
- ASPR TRACIE developed a [CMS Emergency Preparedness \(EP\) Rule Resources at Your Fingertips Document](#). Within this document are links to key resources:
  - CMS' developed [frequently asked questions \(FAQ\) documents](#) that synthesizes answers to commonly asked inquiries about the CMS EP Rule.
  - The FAQs, in combination with the CMS [at-a-glance chart](#) and [Provider and Supplier Type Definitions Fact Sheet](#), can help planners identify and address planning gaps and facilitate compliance with the regulations.
  - Interested in learning more about your local healthcare coalition? [This chart](#) can help you identify the preparedness office of your state public health agency. Remember: the release of the CMS EP Rule provides healthcare coalitions a tremendous opportunity to strengthen relationships and leverage a broader group of personnel and resources to provide for the medical needs of the whole community during a disaster.
  - To review the Medicare Learning Network National Call on the EP Rule, you can access the PowerPoint [slides, transcript, and audio recording here](#).

## I. Emergency Services MOU Templates

City of Santa Monica Office of Emergency Management. (n.d.). [Memorandum of Understanding for Emergency Purchases](#). (Accessed 6/10/2019.)

This template is a MOU between the City of Santa Monica (CA) and a business authorizing emergency purchases during certain circumstances of a local emergency to include: providing necessary supplies, materials, equipment, services, food, care or shelter to the City of Santa Monica through the Office of Emergency Management.

University of Alabama. (n.d.). [University Hospital Equipment/Supplies Agreement](#). (Accessed 6/10/2019.)

This document is an Agreement between The Board of Trustees of the University of Alabama acting for the University Hospital and the “Contractor” (the vendor providing supplies to the hospital). **Note:** It does not address disaster/ emergency situations; however, it can be modified for individual supplier or healthcare facility use.

## II. Guidance Documents and other Resources

Centers for Disease Control and Prevention. (n.d.). [Memorandum of Understanding & Mutual Aid Agreements](#). (Accessed 6/10/2019.)

This webpage includes information on mutual aid agreements and MOUs. Specifically, it provides suggested topics related to vulnerable older adults for discussion and inclusion when drafting MOUs between partners and in planning for this population.