**CMS Releases Administrative Memo 18-06-NH: Revised Federal Oversight Support Survey (FOSS) Process National Pilot**

On December 22, 2017 CMS issued an Administrative Memo 18-06-NH: memorandum, “Revised Federal Oversight Support Survey (FOSS) Process National Pilot”. Effective January 8, 2018, CMS is piloting a new two phase FOSS, which will replace the current traditional FOSS and Federal Oversight Quality Indicator Survey (FOQIS) processes. The new FOSS process will focus on the following [three broad areas](https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/Admin-Info-18-06.pdf):

• Abuse and neglect

• Admission/transfer/discharge

• Dementia care

Prior to 2018, each Regional Office (RO) identified concerns unique to that region. This identified concerns will begin to be incorporated into the FOSS for the 2019 fiscal year. The Phase 1 Resource and Support Surveys (RSS) will be conducted from January through April 2018. Federal surveyors will accompany state surveyors on annual or complaint surveys and will provide instruction and guidance to state surveyors during the process. The RSS will emphasize the three focus areas listed above, but they are not limited to those topics.

Phase 2 Focused Comparative Surveys will occur from May through September 2018. One federal surveyor will complete an independent investigation of the identified concern areas approximately 30 business days after a state recertification or complaint survey and include the three areas of concern listed above and also assess state survey performance. Federal surveyors will make compliance decisions related to the three focus areas and will conduct an exit conference during which evidence will be shared with the facility supporting any noncompliance.

A 2567 will only be drafted if the federal surveyor identifies noncompliance at the immediate jeopardy, actual harm, or substandard quality of care levels NOT identified by state surveyors. In those instances, the RO will determine the appropriate enforcement action.