



Date: September 28, 2020

DQA Memo 20-001

To: All Wisconsin Hospitals

From: Ann Hansen, Director
Bureau of Health Services

Via: Otis Woods, Administrator
Division of Quality Assurance

**State Licensure Application for Temporary Expansion Locations during Public Health
Emergency related to COVID-19**

Purpose

The purpose of this memorandum is to establish the process for hospitals and critical access hospitals (collectively "hospitals") to expand their acute care inpatient services temporarily during the COVID-19 public health emergency. The Centers for Medicare and Medicaid Services (CMS) has issued a number of blanket waivers under Section 1135 of the Social Security Act relieving certain regulatory burdens so that hospitals can establish temporary expansion locations in non-hospital space to be used for inpatient care for the duration of the COVID-19 public health emergency.

The Division of Quality Assurance (DQA) is currently analyzing these CMS waivers and will be providing additional guidance as soon as possible on how these waivers affect the ability of hospitals to establish temporary expansion surge sites in light of applicable state laws and state administrative rules.

The temporary expansion locations discussed in this memorandum are intended to allow hospitals flexibility to the extent necessary to maintain the health, safety and well-being of patients during the COVID-19 Public Health Emergency.

Types of Temporary Expansion Locations

All inpatient hospital locations in Wisconsin are required to maintain a Certificate of Approval (CoA). This applies to hospitals operating as a provider-based Medicare location of another hospital. The Division of Quality Assurance has identified 3 options for increasing inpatient beds during anticipated surge related to COVID-19. The information below offers guidance on the licensure application requirements and Physical Environment/Life Safety Code approval requirements based on the expansion plan requested.

- **Option One: Expansion/Addition Within Licensed Hospital Building**

No additional licensure is required to convert space within the hospital into a surge space by adding inpatient beds. However, notification is required. Hospitals should send notification of intent to increase inpatient beds, including the anticipated number of beds, to Thomas Rylander at Thomas.Rylander@wi.gov and Angela Mack at Angela.Mack@wi.gov.

No additional life safety code inspection or survey will be required for this type of expansion. The physical environment is part of the hospital and is regulated under the Life Safety Code requirements and DHS 124 subchapter V. Where the contemplated expansion is not anticipated to substantially comply with the requirements of the NFPA 101 2012 edition of the Life Safety Code or DHS 124 subchapter V, hospitals should submit an interim life safety plan to DHSDQAPlanReview@dhs.wisconsin.gov. The interim life safety plan shall set forth how the proposed expansion will safeguard patients, staff and others in accordance with the expectations of NFPA 101 2012 edition with regards to Goals, Objectives and Fundamental Requirements as described under Chapter 4.

- **Option Two: Expansion On the Campus of a Licensed Hospital, Separate or Detached Structure**

The Division of Quality Assurance will not request an application for separate licensure for expansion locations (including the addition of inpatient beds) that are located on the campus with the same physical address or otherwise on the contiguous property of the licensed hospital. Hospitals should send notification of intent to increase inpatient beds, along with the anticipated number of beds and information relating to the type of building or structure, to Thomas Rylander at Thomas.Rylander@wi.gov and Angela Mack at Angela.Mack@wi.gov.

The hospital shall conduct a life safety code evaluation based on the NFPA 101 2012 edition of the Life Safety Code. Where the contemplated expansion is not anticipated to substantially comply with the requirements of the NFPA 101 2012 edition of the Life Safety Code or DHS 124 subchapter V, hospitals should submit an interim life safety plan to DHSDQAPlanReview@dhs.wisconsin.gov setting forth how the proposed expansion will safeguard patients, staff and others in accordance with the expectations of NFPA 101 2012 edition with regards to Goals, Objectives and Fundamental Requirements as described under Chapter 4.

- **Option Three: Expansion in a Separate and Detached Structure, Not on the Campus of Licensed Hospital**

For hospitals seeking to expand inpatient services at a location not on the campus of the licensed hospital, including adding inpatient beds, an expedited licensure process applies.

In order to apply for this CoA, please fill out the [F-62092 Hospital Certificate of Approval application](#) with the following modifications:

- Section I, General Information
 - A – Hospital Location: fill this section out in its entirety. Please use the “previous hospital name” line to record the name, state license number and Medicare number (6-digit number beginning with “52”) of the established parent hospital.
 - B – Change of Ownership: Not applicable
 - C – Type of Hospital: Indicate the type of hospital (this will typically match the main hospital and be either “general,” “psychiatric,” or “critical access hospital (CAH)”
 - D – Type of Certification: Not applicable
 - E – Accreditation Status: Not applicable
 - F – Bed Capacity: Indicate the total expected COVID-19 inpatient surge capacity at this temporary location
 - G – Offsite Locations: Not applicable
 - H – Services Provided by the hospital: Fill out just with regard to temporary expansion location
 - I – Staffing: Not applicable
- Section II, Plant Description & Space Use: Complete specific to the temporary expansion location
- Section III, Administration: Administration is assumed to be the same as the main hospital.
- Section IV, Ownership: Ownership is assumed to be the same as the main hospital. Only fill out the top of section H to indicate who owns the property/building where the temporary location is located.
- Section V, Lease Agreement: Fill out as required if leasing space from another entity for this location.
- Section VI, Management Company: Not applicable
- Section VII, Contact person: Complete
- Section VIII, Designee: Not applicable

Please submit an electronic version of the completed licensure application via email to Thomas Rylander at Thomas.Rylander@wi.gov and Angela Mack at Angela.Mack@wi.gov. Upon receipt by the Division of Quality Assurance (DQA), the application materials will be reviewed for completeness. If any sections are incomplete or need clarification, DQA will contact the applicant. An engineer with the Office of Plan Review and Inspection (OPRI) will also review the application materials, specifically the information and supporting materials submitted for Section II (Plant Description & Space Use) to ensure patient safety.

The hospital shall conduct a life safety code evaluation based on the NFPA 101 2012 edition of the Life Safety Code. Where the contemplated expansion is not anticipated to substantially comply with the requirements of the NFPA 101 2012 edition of the Life Safety Code or DHS 124 subchapter V, hospitals should submit an interim life safety plan to DHSDQAPlanReview@dhs.wisconsin.gov, setting forth how the proposed expansion will safeguard patients, staff and others in accordance with the expectations of NFPA 101 2012 edition with regards to Goals, Objectives and Fundamental Requirements as described under Chapter 4. If any construction or alteration is necessary to accommodate a building to

be temporarily licensed as a hospital, please consult with David Soens, DQA Life Safety Fire Authority at: David.Soens@dhs.wisconsin.gov and the local municipality.

In addition, the municipal authority having jurisdiction over the particular facility in question shall be considered the building code official as well as the fire code official. Hospitals wishing to establish temporary expansion sites in a facility that is not on the hospital campus will contact municipal authority regarding any necessary permitting and occupancy. The response from the municipal authority will be included in the interim life safety plan.

The Department of Safety and Professional Services (DSPS) shall be contacted specific to any plumbing related concerns. The direct contact specific to DSPS with regards to plumbing is Mr. Tom Braun, 715-634-5124 or email at thomas.braun@wisconsin.gov

Once the review is complete, a Wisconsin hospital license will be issued for this temporary location. The license will be in effect through the duration of the declared public health emergency.

Resources

Wisconsin DHS Hospital Licensure and Certification:

<https://www.dhs.wisconsin.gov/regulations/hospital/medicare-cert.htm>

Wisconsin DHS DQA Plan Review for Health Care Facilities:

<https://www.dhs.wisconsin.gov/regulations/plan-review/index.htm>

Hospital Rules and Regulations:

<https://www.dhs.wisconsin.gov/regulations/hospital/regulations.htm>

Wisconsin DHS COVID-19 Webpage: <https://www.dhs.wisconsin.gov/covid-19/index.htm>

CMS Blanket Waivers:

<https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>

Questions

For questions related to licensure or the CoA application process, please contact Thomas Rylander at 608.266.7297 or Thomas.Rylander@wi.gov and Angela Mack at 608.216.3065 or Angela.Mack@wi.gov

For question related to Physical Environment or Life Safety Code, please contact David Soens at 608.220.0521 or David.Soens@wi.gov

For general questions regarding the information in this memo, please contact Ann Hansen at 608.264.9887 or Ann.Hansen@wi.gov