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CMS: Hospital-M.D. Time-Shares Are Surveyed Under CoPs, But Not Leases

By Nina Youngstrom

Surveys of hospital compliance with the Medicare conditions of participation (CoPs) will include space that's time-shared with physicians, but not space leased to physicians, according to Danielle Adams, the CMS official who wrote its November 2021 "Guidance for Hospital Co-location with Other Hospitals or Healthcare Facilities" (revised).^[1]

The co-location guidance doesn't extend to physician practices, including leases and timeshares, because it only applies to Medicare-certified entities. But there's a distinction between leases and time-shares, said Adams, a nurse consultant for CMS's Quality, Safety & Oversight Group, at a Feb. 9 webinar on the co-location guidance sponsored by the American Health Law Association.^[2]

"We need to differentiate between physicians coming in and using that space" and physicians leasing that space, she said. "A hospital that leases the space is no longer responsible for that space under the lease arrangement." The same isn't true for time-share arrangements. If the hospital retains authority over that space, "the hospital is responsible for it," Adams explained. Hospitals should mention the arrangements to surveyors during the entrance conference. "You have to identify leases and areas of the hospital not under hospital control. They are not certified. We can only be responsible for hospitals and whatever services they're required to provide," she said. In other words, the leased spaces won't be surveyed.

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