

## Code Committee Update – March 2023

### New Topic(s):

- **Codes and Standards: No new topics to report. See update below re: HHS Announced the Public Health Emergency for COVID-19 and 1135 Waivers.**

### On Going Topics – updates in Bold:

- WI Plumbing Code: DSPS currently revising Plumbing code, but in somewhat of a holding pattern. There are only two non-healthcare items on the agenda. In the future there will be a red line copy of the code. Stay tuned for future Public Comment and Hearing...we encourage anyone interested to participate in the review period.
- IBC Updates: IBC/ICC/IMC (International Building Code, International Code Council, International Mechanical Code) will be updated to 2021 Edition. DSPS edits complete and are being reviewed. Public comment period upcoming. Note: It's expected the 2017 version of ASHRAE 170 will be adopted as part of this process. We are currently on the 2013 version of 170. Have knowledge and Interest in the ICC? Please consider joining the Code Committee
- DHS Update
  - Preliminary Project Meetings (PPM): Department continues to promote PPM's. Emphasis is to review the project scope, schedule, and unique design features.
- FGI
  - 2022 editions: No info on adoption e.g., CMS or AO's.
  - 2026 editions: Work starting in December 2022
- CMS 1135 Waiver: **HHS Announced the Public Health Emergency for COVID-19 will end on May 11, 2023. What does this mean for healthcare facilities?** Facilities need to plan **and then execute** how they will convert permanently or close their Interim Provisions to meet Physical Environment (WI Commercial Building Code, Life Safety code, and DHS 124 / DHS 132, etc.). **Only exception is the Hospital at Home Program which will be extended for 2 more years per CMS direction.**

**See DHS Dept email below titled "Attn: All DQA Regulated Health and Residential Care Facilities" for additional info and links to specific assistance.**

- NFPA 101 and 99 – 2024 Editions. Technical Meeting - Las Vegas NV June 18-23, 2023.
- AO Survey Information. Thanks to Stephanie Angst, Skip Kraiss and Matt Malmin, we have collected a ton of info on recent surveys from CMS, DNV, TJC, etc. Look for that info soon on WHEA.com

## Attn: All DQA Regulated Health and Residential Care Facilities

### HHS Announced the Public Health Emergency for COVID-19 Ends May 11, 2023

On February 9, the Department of Health and Human Services (HHS) announced the [Public Health Emergency \(PHE\) for COVID-19 will end on May, 11, 2023](#). COVID-19 remains a significant priority for the Biden-Harris Administration and over the next several months, the Centers for Medicare & Medicaid Services (CMS) will work to ensure a smooth transition. During the PHE, CMS has used a combination of emergency authority waivers, regulations, enforcement discretion, and sub-regulatory guidance to ensure easier access to care during the PHE for health care providers and their beneficiaries.

Some of the flexibilities that were created during the pandemic were recently expanded by the Consolidated Appropriations Act, 2023. Others, while critical during our initial responses to COVID-19, are no longer needed. CMS has made further updates to our [CMS Emergencies Page](#) with useful information for providers – specifically around major telehealth and individual waivers – that were initiated during the Public Health Emergency (PHE).

Please reference the following guidance in response to the PHE ending May 11, 2023:

[Provider-specific fact sheets about COVID-19 Public Health Emergency \(PHE\) waivers and flexibilities](#)

[Department of Health & Human Services Fact Sheet](#)

In the coming weeks, CMS will be hosting stakeholder calls and office hours to provide additional information. Please continue to visit the CMS Emergencies Page for continuous updates regarding PHE sunsetting guidance as information becomes available to the public

### Division of Quality Assurance (DQA) Information

The following DQA Memos creating flexibilities during the Public Health Emergency for COVID-19 will be obsoleted effective May 11, 2023.

- [20-001](#) State Licensure Application for Temporary Expansion Locations during Public Health Emergency related to COVID-19
- [20-002](#) CMS 1135 Waiver Provisions – Wisconsin Hospitals
- [20-005](#) Guidance for Ambulatory Surgical Centers Temporarily Enrolling as a Hospital During the COVID-19 Public Health Emergency
- [20-008](#) State Licensure Application for Temporary Nursing Facility Expansion Units and Transfer Options during the COVID-19 Public Health Emergency

### CDC Guidance for COVID-19

Facilities are encouraged to continue to follow CDC COVID-19 guidance. Recommendations for providers can be found on the [Centers for Disease Control and Prevention website](#).

### Questions

- For questions regarding hospitals and Ambulatory Surgical Center, please contact [Ann Hansen](#)
- For questions regarding nursing homes, please contact [Ann Angell](#)
- For questions regarding assisted living facilities, please contact [Daniel Perron](#)
- For questions regarding Physical Environment or L Life Safety Code, please contact [Fokruddin Khondaker](#)