

# Federal deemed status and state recognition

## Federal deemed status

In order to participate in and receive federal payment from Medicare or Medicaid programs, a health care organization must meet the government requirements for program participation, including a certification of compliance with the health and safety requirements called Conditions of Participation (CoPs) or Conditions for Coverage (CfCs), which are set forth in federal regulations. The certification is achieved based on either a survey conducted by a state agency on behalf of the federal government, such as the Centers for Medicare & Medicaid Services (CMS), or by a national accrediting organization, such as The Joint Commission, that has been recognized by CMS (through a process called “deeming”) as having standards and a survey process that meet or exceed Medicare’s requirements. Health care organizations that achieve accreditation through a Joint Commission “deemed status” survey are determined to meet or exceed Medicare and Medicaid requirements.

Voluntary deemed status through The Joint Commission is available for:

- Ambulatory surgical centers
- Clinical laboratories
- Critical access hospitals
- Home health agencies
- Hospice agencies
- Hospitals
- Psychiatric hospitals

Accreditation is required (and available through The Joint Commission) for:

- Advanced diagnostic imaging services
- Durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) suppliers
- Opioid treatment programs (deeming authority is granted through the Substance Abuse Mental Health Services Administration not CMS)

A health care organization is eligible for reimbursement for the following procedures if it is certified by The Joint Commission for:

- Ventricular assist device (VAD) destination therapy
- Lung volume reduction surgery (LVRS)

## CMS oversight of accrediting organizations

CMS conducts complaint investigations and random validation surveys of Joint Commission accredited organizations that have deemed status. The Joint Commission provides accreditation decision reports for deemed organizations involved in CMS validation surveys and other deemed status survey reports when requested by CMS or a state agency that is acting on behalf of CMS as a contractor. In addition, The Joint Commission provides CMS with a listing of, and related documentation for, deemed organizations receiving adverse accreditation decisions.

The Joint Commission

# FACT SHEET

## Learn more about

- Federal deemed status by calling The Joint Commission’s Washington, D.C., office at 202-783-6655.
- State initiatives by calling the Division of Business Development, Government and External Relations at 630-792-5269.

**Costs of deemed status surveys are allowable for some organizations**

CMS has determined that fees for Joint Commission surveys may be included in a health care organization's costs on its annual cost report for those organizations required to file cost reports.

**State recognition for licensure and/or certification**

The Joint Commission's accreditation and certification programs are recognized and relied on by many states in their quality oversight activities. Recognition and reliance refers to the acceptance of, requirement for, or other reference to the use of Joint Commission accreditation and certification, in whole or in part, by one or more governmental agencies in exercising regulatory authority. This may include use of Joint Commission accreditation and certification for licensing, certification or contracting purposes by various state agencies.

The Joint Commission's accreditation and certification programs are widely relied upon by over 306 state agencies in making licensure decisions, as well as for participation in a state's Medicaid program. The most common form of state reliance on accreditation is to accept The Joint Commission's survey process in lieu of the state agency conducting a routine licensure inspection. In addition, some state regulations will mandate accreditation as a condition of licensure or certification. The Joint Commission actively monitors state legislative and regulatory activities to identify additional opportunities for state reliance on Joint Commission accreditation and certification, and maintains a website listing the state regulations that contain such provisions.

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