

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Dallas Regional Office
1301 Young Street, Suite 900
Dallas, Texas 75202



DIVISION OF SURVEY AND CERTIFICATION, REGION VI

June 3, 2019

Our Reference: CCN 450076, Complaint Intake #TX00311802

Peter Pisters, M.D., CEO
The University of Texas M D Anderson Cancer Center
1515 Holcombe Blvd
Houston, TX 77030

Dear Dr. Pisters:

Section 1865 of the Social Security Act (the Act) provides that a provider entity accredited by a nationally recognized accrediting organization will be "deemed" to meet all the applicable Medicare Conditions of Participation with the exception of utilization review, and the special requirements for hospital providers of long term care services (swing-bed).

Section 1864 of the Act requires the Secretary of Health and Human Services to conduct a survey at an accredited/deemed provider entity if the Secretary finds that a survey is appropriate because of substantial allegations of a significant deficiency or deficiencies which would adversely affect health and safety of patients if found to be present. If a provider entity is found to have significant deficiencies with respect to compliance with the applicable Medicare Conditions of Participation in the course of such a survey, we are required to remove the "deemed" status of your hospital and keep it under State Survey Agency's jurisdiction until the provider entity is substantially in compliance with all the applicable Medicare Conditions of Participation.

We have reviewed the May 17, 2019, report of the deficiencies found by the Texas Health and Human Services Commission (HHSC) during its recent substantial allegation survey of your hospital. Based on this report, we find that The University of Texas M D Anderson Cancer Center does not comply with all the applicable Medicare Conditions of Participation for hospitals.

The following Medicare Conditions of Participation were out of compliance:

42 CFR 482.12 Governing Body
42 CFR 482.13 Patient Rights
42 CFR 482.21 QAPI
42 CFR 482.23 Nursing Services
42 CFR 482.27 Laboratory Services

The deemed status of your hospital was removed on June 3, 2019, as a result of the findings of substantial noncompliance from the May 17, 2019, survey and survey jurisdiction has been transferred to the HHSC.

A complete listing of all deficiencies found by the HHSC is enclosed. These deficiencies have been determined to be of such a serious nature as to substantially limit your hospital's capacity to render adequate care and prevent it from being in compliance with all the applicable Medicare Conditions of Participation. A plan of corrective action is not required at this time. However, it is to your advantage to initiate corrective action on the identified deficient practices in order to bring your hospital in compliance with the regulations.

If you decide to submit a plan of correction, please submit the Form CMS-2567, dated and signed by your hospital's authorized representative to Jeannette Ray, HHSC, via email at Jeannette.Ray@hhsc.state.tx.us.

In accordance with section 1865(b) of the Social Security Act, the HHSC will conduct a complete Medicare survey of your facility to assess compliance with all the applicable Medicare Conditions of Participation.

Please contact Dodjie Guioa at 214-767-6179 or by email at dodjie.guioa@cms.hhs.gov if you have any questions.

Sincerely,

Karen Hillman, Manager
Enforcement Branch

Enclosure: CMS-2567

cc: Accrediting Organization, HHSC