

MEMORANDUM

Department of Aging and Disability Services (DADS)

TO: Regulatory Services Division
Regional Directors and State Office Managers

FROM: Michelle Dionne-Vahalik, Manager
Policy Development and Support Unit
State Office MC E-370

SUBJECT: Regional Survey and Certification (RS&C) Letter No. 04-08

DATE: January 24, 2005

The attached Centers for Medicare & Medicaid Services (CMS), Regional Survey and Certification (RS&C) Letter, dated October 8, 2004, is being provided to you for information purposes and should be shared with all professional staff. (You may also refer to Provider Letter 99-14 dated June 15, 1999, regarding this subject.)

- RS&C Letter No. 04-08 – Serving Undercooked Or Raw Eggs to Nursing Home Residents

If you have any questions, please contact Bevo Morris in the Policy Development and Support Unit at (512) 438-2363.

[signature on file]

Michelle Dionne-Vahalik

MDV:bbm

Attachment



DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
Division of Medicaid and State Operations, Region VI

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October 8, 2004

REGIONAL SURVEY AND CERTIFICATION LETTER NO. 04-08

TO: All State Survey Agencies (Action/Information)
All Title XIX Single State Agencies (Information)

SUBJECT: Serving Undercooked Or Raw Eggs to Nursing Home Residents

The purpose of this letter is to clarify the acceptability of serving “soft-cooked, runny, or raw “ eggs to residents in nursing homes. We are aware of several incidents where nursing home staff prepared and served undercooked eggs to residents. In each case, the nursing home believed a resident’s request for “soft-cooked” eggs justified this type of egg preparation.

Honoring residents’ requests for “soft-cooked” egg preparation is an appropriate practice, as is the attempt to respect resident choice about all aspects of their lives [483.15 (b) and 483.20(k)]. We expect the facility to make reasonable efforts to respect the resident’s choices, **except when the health or safety of the individual or other residents would be endangered.**

Soft-cooked eggs are considered undercooked if the yolk is runny and/or the egg white is not congealed. The facility must ensure that residents receive safe food products. “Soft-cooked” eggs must be served in accordance with the requirements to store, prepare, distribute, and serve foods under accepted practices of food safety [483.35 (h (2))]. Refer to attachment 1.

If a nursing home serves “soft-cooked” eggs, they must use eggs that are pasteurized, or otherwise treated in an acceptable manner to kill or inactivate bacteria and other harmful microorganisms. If undercooked eggs are not pasteurized or otherwise treated, it is likely that the nursing home is placing residents who consume these eggs in Immediate Jeopardy.

Surveyors should determine the severity and scope in accordance with instructions and guidance in Appendix Q Guidelines for Determining Immediate Jeopardy and Appendix P (pages P-65-67 and P-71-73).

- If the facility serves undercooked eggs that are not pasteurized or untreated, surveyors should consider citing deficiencies at F371. As described in the USDA’s, Salmonella Enteritidis Risk Assessment, the service of raw or undercooked un-pasteurized eggs often results in an



immediate jeopardy to resident health and safety. In determining immediate jeopardy, surveyors are expected to cite evidence about resident's immediate risk of serious injury, harm, impairment or death. For example, fragile residents with poor fluid and nutrition intake and chronic illnesses are especially subject to rapid, life-threatening fluid and electrolyte losses.

If you have any questions, please contact Dan McElroy at (214) 767-2077 or Joanna Person at (214) 767-4417.

Sincerely,

David Wright, Chief
Long Term Care Branch
Division of Survey and Certification

Attachment

FOOD AND DRUG ADMINISTRATION
RETAIL STANDARDS (USING 1999 FOOD CODE PROVISIONS)

Serve At-risk Consumers

Substitute treated eggs or pasteurized egg products for raw eggs in food items that:

- Contain raw egg ingredients and are not subsequently thoroughly cooked; or
- Are prepared by combining and holding eggs prior to service; or
- Are prepared by holding eggs following cooking prior to service.

Salmonella Serotype Enteritidis

A Center for Disease Control (CDC) Morbidity and Mortality Weekly Report (MMWR) entitled "Outbreak of Salmonella Serotype Enteritidis Infection Associated with Eating Shell Eggs—United States, 1999-2001" dated January 3rd, 2003 included a recommendation "box" for preventing Salmonella serotype enteritidis infections associated with eggs.

The recommendation included the following bullet:

- In hospitals, nursing homes, adult or childcare facilities, and senior centers, pasteurized egg products or pasteurized in-shell eggs should be used in place of pooled eggs or raw or undercooked eggs.

The U. S. Department of Agriculture, Food Safety and Inspection Service, Salmonella Enteritidis Risk Assessment states,

"A partial list of persons with increased susceptibility to infectious agents includes pregnant women, infants, the elderly, ... persons with chronic diseases, nursing home residents, cancer patients, and organ transplant recipients.... The elderly are particularly susceptible to infectious agents such as SE for a number of reasons. The disproportionate impact of severe complications and death from salmonellosis in the elderly is illustrated by the epidemiologic evidence:

- (1) 62% of deaths from diarrheal diseases are accounted for by persons over the age of 74 (Lew et al., 1991);
- (2) The case-fatality rate in *Salmonella* outbreaks in nursing homes is 40 times the case-fatality rate for the general population (Levine et al., 1991).
- (3) Acid production in the stomach is recognized as a protective mechanism against ingested pathogens such as SE. However, rates of acid production decline with advancing age, and this places the elderly at further risk." (page 206)

"The available evidence suggests that these susceptible individuals are 10 to 100 times more susceptible to infection, illness, and death from SE than is the general population." (page 207).