Nursing Home Weekly: Recap of LeadingAge Updates

July 24, 2020

**HHS renews public health emergency –** HHS renewed the declaration for the pandemic. It is now set to expire at the end of October. This allows many waivers for long-term care providers, such as the suspension of three-day stay prior hospital stay and relaxation of telehealth restrictions. The increased FMAP will also continue.

**CMS provides more information on the antigen testing program -** LeadingAge received more information on the HHS testing program on the CMS nursing homes call this week. HHS will send the first round of shipments out this week. They are sending testing instruments and tests to 600 nursing homes. They anticipate sending out instruments and tests over the next 14 weeks with a goal of reaching all nursing homes with a CLIA certificate of waiver. CMS provided the following email for inquiries: [CLIAcovidinquiries@cms.hhs.gov](mailto:CLIAcovidinquiries@cms.hhs.gov). They will be able to look up your CLIA number to verify an active CLIA certificate of waiver.

Nursing homes in the first group are prioritized according to the following criteria:

* Active CLIA certificate of waiver
* 3 or more new cases reported in the past 7 days or 1 new case reported in the past 7 days after having no cases
* Inadequate access to testing reported in the past 7 days
* 1 new death reported among residents in the past 7 days
* 1 new confirmed or suspected case reported among staff in the past 7 days

Nursing homes will be divided into 5 groups to determine how many testing instruments/tests they will receive. They did not provide info into how the facilities were classified (did they use census or license? What are the thresholds for each classification? etc.):

* Small facilities: 1 instrument and 150 tests
* Small – medium facilities: 1 instrument and 240 – 250 tests
* Medium – large facilities: 1 instrument and 325 – 330 tests
* Large facilities: 1 instrument and 600 tests
* Major outliers: 2 instruments and 900 tests

**More details on HHS/CMS announcement**- ([CMS press release](https://www.cms.gov/newsroom/press-releases/trump-administration-announces-new-resources-protect-nursing-home-residents-against-covid-19)) HHS announced that $5 billion of Provider Relief Funds will be devoted to CMS-certified nursing homes and state veterans homes. Some of the things this money can be used for include hiring additional staff, implementing infection control “mentorship” programs with subject matter experts, increasing testing, and increasing technology services to facilitate resident-family visits. However, in orderto be eligible for this funding, a nursing home must complete a new COVID-19 training that is being rolled out by CMS and CDC. This new training is online, on-demand, and self-paced and it focuses on COVID-19 infection control best practices. There are 23 educational modules and one scenario-based learning module, and providers can download a certificate of completion and recognition badges upon completion. What we do not know yet is: what is the time estimate for the training, who or how many staff in the nursing home need to complete the training in order for the nursing home to qualify, and when it will be available. It was also announced that CMS will begin requiring, rather than simply recommending, testing of all nursing home staff on a weekly basis for those nursing homes in states with 5% or greater positivity rates (meaning that 5% or more of the tests administered in the state come back positive for COVID-19). Lastly, it was announced that data on “high risk nursing homes” will be released weekly in the governor’s report.

**Provider Relief Fund reporting deadlines announced -**  HHS recently published a document explaining that a reporting system for the Provider Relief Fund will come online on October 1, 2020 and that HHS will release further details about the data collection template and reporting instructions by August 17,  The first report will be due by February 15, 2021. The [notice of reporting requirements](https://www.hhs.gov/sites/default/files/provider-post-payment-notice-of-reporting-requirements.pdf) details the timing of future reporting for recipients of distributions from the Provider Relief Fund. LeadingAge is posting an [article](https://leadingage.org/regulation/provider-relief-funds-reporting-timelines-announced) that covers this new information.

**New resource on isolation and precautions -**  In addition to the [analysis](https://www.leadingage.org/regulation/cdc-updates-guidance-isolation-and-precautions-adults-covid-19?_ga=2.170668965.487767760.1595255070-958134098.1594752214) on new CDC guidance we shared last night, we have also created a [quick sheet](https://leadingage.org/sites/default/files/Isolation%20and%20Precaution%20Quick%20Sheet.pdf) to help providers make sense of the new guidance and consolidate into one place the info they need to make decisions on discontinuation of transmission based precautions and return to work for healthcare personnel recovering from COVID-19.

**Legislation to Block MFAR**. There is a bipartisan bill in the House to block the proposed MFAR from earlier this year. If passed, the MFAR Transparency Act would direct a federal study of the proposal’s impact by state and **prevent HHS from finalizing the rule until Congress authorizes it to do so.** LeadingAge is a supporting organization on the sponsors’ [Dear Colleague letter](https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:0ddc118d-81d8-4b4b-ae2b-da9a809247bd#pageNum=1). We will be working to secure further cosponsors and build support for the bill. More to come. As a reminder, MFAR was the proposed rule that would block CCRC provider tax exemptions if finalized. In addition, it has major implications for Medicaid financing, including nursing home supplemental payment programs, IGTs and other provider tax programs. If you have questions about the bill or want to get involved, contact Brendan ([bflinn@leadingage.org](mailto:bflinn@leadingage.org)).

**Act for Older Adults Hill briefing –** LeadingAge held a well-received virtual briefing for House and Senate staff today. We had a great turn out. LeadingAge President and CEO Katie Sloan and Board Chair Carol Silver Elliott set the stage for us before a run through of our [Act for Older Adults](https://www.leadingage.org/act) priorities, including our [Five Essential Actions](https://leadingage.org/sites/default/files/Leading%20Age%20Act4OlderAdults.pdf?_ga=2.50502825.149397282.1595266557-884601056.1526425449), and key nursing home, affordable housing, and home and community based services asks. A [powerpoint / audio recording](https://d36529sg6oenc3.cloudfront.net/Events/Act%20for%20Older%20Adults%20Presentation.mp4) of the briefing as well as just the [powerpoint](https://leadingage.org/file/july-21-act-older-adults-hill-briefing-presentation) are available.

**Senate Special Committee on Aging Hearing**.  The Senate Aging Committee held a hearing yesterday on “T**he COVID-19 Pandemic and Seniors:  A Look at Racial Health Disparities.”** Here’s [an article](https://www.leadingage.org/legislation/senate-special-committee-aging-hearing-covid-19-pandemic-and-seniors-look-racial-health) on the hearing.In Ranking Member Robert Casey’s Opening Statement, he outlined six “near-term” strategies that are in line with LeadingAge request to Congress for the next COVID-19 relief bill.  Also, Senator Rick Scott (R-FL) expressed his concern about limited testing that has been available within minority communities. He highlighted his bill, introduced on July 2, the Affordable Coronavirus Testing Act (S. 4198), that provides coverage of coronavirus antibody tests, and does not impose any cost sharing for COVID-19 test performed during 2020 or 2021.

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**New Insights and Tools from LeadingAge -**LeadingAge staff experts are developing essential advocacy, guidance and tools, and curating the most relevant resources for aging services providers, including Provider Relief Funds Reporting Timelines Announced. A complete [timeline of insights, tools, and useful links is available here](https://www.leadingage.org/coronavirus-insights-tools-links-archive), so you’ll never miss an update.

**Basic Care Aide Online Training Tool -**LeadingAge’s [Basic Care Aide Skill Competency Training Tool](https://learninghub.leadingage.org/courses/basic-care-aide-skill-competency) is still available to help you maximize your workforce and maintain quality standards. Developed by EduCare©, the program provides a foundation for the skills of the Basic Care Aide in a variety of settings. The training tool is FREE to members and is [available now on the Learning Hub](https://learninghub.leadingage.org/courses/basic-care-aide-skill-competency).