

# COVID-19 Guidance and Updates for Nursing Homes during COVID-19

August 25, 2020

The following pages include guidance released in the form of:

- I. **Memos**
- II. **Non-memos**
- III. **Waivers and flexibilities**
- IV. **Data Releases**

I. Memo Guidance			
#	Name	Summary	Release Date
QSO-20-09-ALL	<a href="#">Information for Healthcare Facilities Concerning 2019 Novel Coronavirus Illness (2019-nCoV)</a>	Information Regarding Patients with Possible Coronavirus Illness: The U.S. Centers for Disease Control and Prevention (CDC) has issued information on the respiratory illness caused by the 2019 Novel Coronavirus (2019-nCoV). Links to these documents are provided. Healthcare Facility Expectations: CMS strongly urges the review of CDC's guidance and encourages facilities to review their own infection prevention and control policies and practices to prevent the spread of infection.	2/6/2020
QSO-20-11-NH	<a href="#">Release of Additional Toolkits to Ensure Safety and Quality in Nursing Homes</a>	The Centers for Medicare & Medicaid Services (CMS) is announcing the release of two toolkits that align with the CMS strategic initiative to Ensure Safety and Quality in Nursing Homes.  Head-to-Toe Infection Prevention (H2T) Toolkit: CMS has created a toolkit that offers educational materials and practical interventions for bedside staff designed to prevent common infections by improving activities of daily living (ADL) care.	2/14/2020
QSO-20-12-All	<a href="#">Suspension of Survey Activities</a>	CMS provides information with respect to the temporary focus of surveys on infection control and other emergent issues.	3/4/2020
QSO-20-14-NH (Revised)	<a href="#">Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in nursing homes (REVISED)</a>	Guidance for Infection Control and Prevention of COVID-19: CMS is providing additional guidance to nursing homes to	3/13/2020

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		<p>help them improve their infection control and prevention practices to prevent the transmission of COVID-19.</p> <p>CDC and local public health departments - We encourage all nursing homes to monitor the CDC website for information and resources and contact their local health department when needed</p> <p><a href="#">See CDC Resources for Health Care Facilities</a></p>	
QSO-20-17-All	<a href="#">Guidance for use of Certain Industrial Respirators by Health Care Personnel</a>	CMS clarifies the application of CMS policies in light of recent CDC and Food and Drug Administration (FDA) guidance expanding the types of facemasks healthcare workers may use in situations involving COVID-19 and other respiratory infections.	3/10/2020
QSO-20-20-All	<a href="#">Prioritization of Survey Activities</a>	CMS announced a suspension of routine inspections, and an exclusive focus on immediate jeopardy situations and infection control inspections.	3/23/2020
QSO-20-25-NH	<a href="#">2019 Novel Coronavirus (COVID-19) Long-Term Care Facility Transfer Scenarios</a>	CMS is providing supplemental information for transferring or discharging residents between facilities for the purpose of cohorting residents based on COVID-19 status (i.e., positive, negative, unknown/under observation).	4/13/2020
QSO-20-26-NH	<a href="#">Upcoming Requirements for Notification of Confirmed COVID-19 (or COVID-19 Persons under Investigation) Among Residents and Staff in Nursing Homes</a>	Communicable Disease Reporting Requirements: To ensure appropriate tracking, response, and mitigation of COVID-19 in nursing homes, CMS is reinforcing an existing requirement that nursing homes must report communicable diseases, healthcare-associated infections, and potential outbreaks to State and Local health departments. In rulemaking that will follow, CMS is requiring facilities to report this data to the CDC in a standardized format and frequency defined by CMS and CDC. Failure to report cases of residents or staff who have confirmed COVID -19 and Persons under Investigation (PUI) could result in an	4/19/2020

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		<p>enforcement action. This memorandum summarizes new requirements which will be put in place very soon.</p> <p>Transparency: CMS will also be previewing a new requirement for facilities to notify residents' and their representatives to keep them up to date on the conditions inside the facility, such as when new cases of COVID-19 occur.</p>	
QSO-20-28-NH	<a href="#">Nursing Home Five Star Quality Rating System updates, Nursing Home Staff Counts, and Frequently Asked Questions, and Access to Ombudsman (REVISED)</a> -	<p>Nursing Home Compare website &amp; Nursing Home Five Star Quality Rating System: We are announcing that the inspection domain will be held constant temporarily due to the prioritization and suspension of certain surveys, to ensure the rating system reflects fair information for consumers.</p> <p>Posting of surveys: CMS will post a list of the surveys conducted after the prioritization of certain surveys, and their findings, through a link on the Nursing Home Compare website.</p> <p>Nursing Home Staff: CMS is publishing a list of the average number of nursing and total staff that work onsite in each nursing home, each day. This information can be used to help direct adequate personal protective equipment (PPE) and testing to nursing homes.</p> <p>Access to Ombudsman: We are reminding facilities that providing ombudsman access to residents is required per 42 CFR § 483.10(f)(4)(i) and per the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).</p> <p>Frequently Asked Questions (FAQ): We are releasing a list of FAQs to clarify certain actions we have taken related to visitation, surveys, waivers, and other guidance.</p>	<p>4/24/2020</p> <p>Revised 7/9/2020</p>
QSO-20-29-NH	<a href="#">Interim Final Rule Updating Requirements for Notification of Confirmed and Suspected</a>	<p>On May 8, 2020, CMS will publish an interim final rule with comment period. COVID-19</p>	<p>5/6/2020</p>

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#	Name	Summary	Release Date
	<a href="#">COVID-19 Cases Among Residents and Staff in Nursing Homes</a>	<p>Reporting Requirements: CMS is requiring nursing homes to report COVID-19 facility data to the CDC and to residents, their representatives, and families of residents in facilities.</p> <p>Enforcement: Failure to report in accordance with 42 CFR §483.80(g) can result in an enforcement action.</p> <p><a href="#">Updated Survey Tools</a>: CMS has updated the COVID-19 Focused Survey for Nursing Homes, Entrance Conference Worksheet, COVID-19 Focused Survey Protocol, and Summary of the COVID-19 Focused Survey for Nursing Homes to reflect COVID-19 reporting requirements.</p> <p>COVID-19 Tags: F884 and F885.</p> <p>Transparency: CMS will begin posting data from the CDC National Healthcare Safety Network (NHSN) for viewing by facilities, stakeholders, or the general public. The COVID-19 public use file will be available on <a href="https://data.cms.gov/">https://data.cms.gov/</a>.</p>	
QSO-20-30-NH	<a href="#">Nursing Home Reopening Recommendations for State and Local Officials</a>	<p>Recommendations for State and Local Officials: CMS is providing recommendations to help determine the level of mitigation needed to prevent the transmission of COVID-19 in nursing homes. The recommendations cover the following items:</p> <ul style="list-style-type: none"> <li>• Criteria for relaxing certain restrictions and mitigating the risk of resurgence: Factors to inform decisions for relaxing nursing home restrictions through a phased approach.</li> <li>• Visitation and Service Considerations: Considerations allowing visitation and services in each phase.</li> <li>• Restoration of Survey Activities: Recommendations for restarting certain surveys in each phase.</li> </ul>	5/18/2020

## I. Memo Guidance

#	Name	Summary	Release Date
QSO-20-31-All	<a href="#">COVID-19 Survey Activities, CARES Act Funding, Enhanced Enforcement for Infection Control deficiencies, and Quality Improvement Activities in Nursing Homes</a>	<p>CMS is committed to taking critical steps to protect vulnerable Americans to ensure America’s health care facilities are prepared to respond to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE).</p> <p>CMS has implemented a new COVID-19 reporting requirement for nursing homes and is partnering with CDC’s robust federal disease surveillance system to quickly identify problem areas and inform future infection control actions.</p> <p>Following the March 6, 2020 survey prioritization, CMS has relied on State Survey Agencies to perform Focused Infection Control surveys of nursing homes across the country. We are now initiating a performance-based funding requirement tied to the Coronavirus Aid, Relief and Economic Security (CARES) Act supplemental grants for State Survey Agencies. Further, we are providing guidance for the limited resumption of routine survey activities.</p> <p>CMS is also enhancing the penalties for noncompliance with infection control to provide greater accountability and consequence for failures to meet these basic requirements. This action follows the agency’s prior focus on equipping facilities with the tools they needed to ensure compliance, including 12 nursing home guidance documents, technical assistance webinars, weekly calls with nursing homes, and many other outreach efforts. The enhanced enforcement actions are more significant for nursing homes with a history of past infection control deficiencies, or that cause actual harm to residents or Immediate Jeopardy.</p> <p>Quality Improvement Organizations have been strategically refocused to assist nursing homes in combating COVID-19 through such</p>	6/1/2020

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#	Name	Summary	Release Date
		efforts as education and training, creating action plans based on infection control problem areas and recommending steps to establish a strong infection control and surveillance program.	
QSO-20-32-NH	<a href="#">Release of COVID-19 Nursing Home Data</a>	<p>Nursing Home COVID-19 Information: CMS will post COVID-19 data submitted by facilities via the CDC National Healthcare Safety Network (NHSN). The information will be posted on June 4th, 2020 at the following locations:</p> <ul style="list-style-type: none"> <li>• A link to the information in the “Spotlight” section of the Nursing Home Compare home page.</li> <li>• The information will also be available at <a href="https://data.cms.gov/Covid19-nursing-home-data">https://data.cms.gov/Covid19-nursing-home-data</a></li> </ul>	6/4/2020
QSO-20-33-NH	<a href="#">Posting of Nursing Home Inspections</a>	<p>Nursing Home Inspections: CMS will post health inspection (i.e., surveys) results that were conducted on or after March 4th, 2020, which is the first date that CMS altered the way that inspections are scheduled and conducted. This includes inspections related to complaints and facility-reported incidents (FRIs) that were triaged at the Immediate Jeopardy (IJ) level, and the streamlined Infection Control inspection process that was developed based on the guidance for preventing the spread of COVID-19.</p> <p>The information will be available in the “Spotlight” section of the Nursing Home Compare home page on June 4th, 2020.</p>	6/4/2020
QSO-20-34-NH	<a href="#">Changes to Staffing Information and Quality Measures Posted on the Nursing Home Compare Website and Five Star Quality Rating System due to the COVID-19 Public Health Emergency</a>	<p>Changes to the Nursing Home Compare Website and Five Star Quality Rating System:</p> <ul style="list-style-type: none"> <li>• Staffing Measures and Ratings Domain: On July 29, 2020, Staffing measures and star ratings will be held constant, and based on data submitted for Calendar Quarter 4 2019. o Also, CMS is ending the</li> </ul>	6/25/20

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		<p>waiver of the requirement for nursing homes to submit staffing data through the Payroll-Based Journal System. Nursing homes must submit data for Calendar Quarter 2 by August 14, 2020.</p> <ul style="list-style-type: none"> <li>Quality Measures: On July 29, 2020, quality measures based on a data collection period ending December 31, 2019 will be held constant.</li> </ul>	
QSO-20-35	<a href="#">Enforcement Cases Held during the Prioritization Period and Revised Survey Prioritization</a>	<p>CMS is committed to taking critical steps to ensure America’s health care facilities continue to be prepared in response to the threat of the 2019 Coronavirus Disease (COVID-19).</p> <ul style="list-style-type: none"> <li>CMS is revising guidance on the expansion of survey activities to authorize onsite revisits and other survey types.</li> <li>CMS is providing guidance to State Survey Agencies (SAs) on resolving enforcement cases: CMS is providing guidance on resolving enforcement cases that were previously directed to be held, and providing guidance on Civil Money Penalty (CMP) collection.</li> <li>Expanded Desk Review Authority: CMS is temporarily expanding the desk review policy to include review of continuing noncompliance following removal of Immediate Jeopardy (IJ), which would otherwise have required an onsite revisit from March 23, 2020, through May 31, 2020. CMS is also issuing updated guidance for the re-prioritization of routine SA Clinical Laboratory Improvement Amendments (CLIA) survey activities, subject to the SA’s discretion, in addition to lifting the restriction on processing CLIA enforcement actions, and issuing the</li> </ul>	8/17/20

I. Memo Guidance			
#	Name	Summary	Release Date
		Statement of Deficiencies and Plan of Correction (Form CMS-2567).	
QSO-20-37-CLIA,NH	<a href="#">Interim Final Rule (IFC), CMS-3401-IFC, Updating Requirements for Reporting of SARS-CoV-2 Test Results by (CLIA) of 1988 Laboratories, and Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency</a>	<p>CMS is committed to taking critical steps to ensure America’s healthcare facilities are prepared to respond to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE).</p> <ul style="list-style-type: none"> <li>• On August 25, 2020, an interim final rule with comment period (IFC) went on display at the Federal Register.</li> <li>• CLIA regulations have been updated to require all laboratories to report SARS-CoV-2 test results in a standardized format and at a frequency specified by the Secretary.</li> <li>• Failure to report SARS-CoV-2 test results will result in a condition level violation of the CLIA regulation and may result the imposition of a Civil Money Penalty (CMP) as required under §§ 493.1804 and 493.1834. <input type="checkbox"/> Long-Term Care (LTC) Enforcement requirements at 42 CFR part 488 have been revised to include requirements specific to the imposition of a CMP for nursing homes that fail to report requisite COVID-19 related data to the Centers for Disease Control and Prevention (CDC) National Healthcare Safety Network (NHSN) per §483.80(g)(1) and (2).</li> <li>• LTC Facility Testing Requirements for Staff and Residents- Facilities are required to test staff and to offer testing to all nursing home residents.</li> </ul>	8/26/20
QSO-20-38-NH	<a href="#">Interim Final Rule (IFC), CMS-3401-IFC, Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency related to Long-Term Care (LTC)</a>	<p>CMS is committed to taking critical steps to ensure America’s healthcare facilities continue to respond effectively to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency (PHE).</p>	8/26/20



**I. Memo Guidance**

#	Name	Summary	Release Date
	<a href="#">Facility Testing Requirements and Revised COVID-19 Focused Survey Tool</a>	<ul style="list-style-type: none"> <li>On August 25, 2020, CMS published an interim final rule with comment period (IFC). This rule establishes Long-Term Care (LTC) Facility Testing Requirements for Staff and Residents. Specifically, facilities are required to test residents and staff, including individuals providing services under arrangement and volunteers, for COVID-19 based on parameters set forth by the HHS Secretary. This memorandum provides guidance for facilities to meet the new requirements.</li> <li>Revised COVID-19 Focused Survey Tool -To assess compliance with the new testing requirements, CMS has revised the survey tool for surveyors. We are also adding to the survey process the assessment of compliance with the requirements for facilities to designate one or more individual(s) as the infection preventionist(s) (IPs) who are responsible for the facility's infection prevention and control program (IPCP) at 42 CFR § 483.80(b). In addition, we are making a number of revisions to the survey tool to reflect other COVID-19 guidance updates</li> </ul>	

**II. Non-Memo Guidance**

Name	Summary	Date
<a href="#">Toolkit for States to Mitigate COVID-19 in Nursing Homes (PDF)</a>	CMS published a new toolkit comprised of recommendations and best practices from a variety of front line health care providers, governors' COVID-19 task forces, associations and other organizations and experts that is intended to serve as a catalogue of resources dedicated to addressing the specific challenges facing nursing homes as they combat COVID-19.	UPDATED (6/29/20)
<a href="#">Frequently Asked Questions (FAQs) on Nursing Home Visitation</a>	CMS provides clarifications related to relaxing nursing home visitation restrictions.	6/24/20

II. Non-Memo Guidance		
Name	Summary	Date
<a href="#">Nursing Home Reopening Recommendations Frequently Asked Questions</a>	This FAQ answers a range of questions on the topics of: <ul style="list-style-type: none"> <li>• Reopening</li> <li>• Visitation</li> <li>• Testing Requirements</li> </ul>	5/18/20
<a href="#">CMS letter to Nursing Home Facility Management &amp; Staff (PDF)</a>	CMS provided information to nursing homes to protect residents during the pandemic.	5/11/20
<a href="#">COVID-19 Long-Term Care Facility Guidance</a>	CMS and the CDC are issuing new recommendations to State and local governments and long-term care facilities (also known as nursing homes) to help mitigate the spread of the COVID-19.	4/2/20
<a href="#">Coronavirus Commission for Safety and Quality in Nursing Homes</a>	CMS will have an independent Commission conduct a comprehensive assessment of the nursing home response to the COVID-19 pandemic. The Commission will be convened and lead by a CMS contractor and will provide independent recommendations to the contractor to review and report to CMS to help inform immediate and future responses to COVID-19 in nursing homes.	4/30/20
<a href="#">Frequently Asked Questions for State Survey Agency and Accrediting Organization Coronavirus Disease 2019 (COVID-19) Survey Suspension</a>	On March 4, 2020, CMS suspended survey activity for certain non-emergency state survey inspections, allowing inspectors to prioritize the most serious health and safety threats like infectious diseases and abuse. This document contains frequently asked questions for State Surveyors, healthcare facilities, patients and caregivers and accrediting organizations.	3/10/20
<a href="#">Long-Term Care Nursing Homes Telehealth and Telemedicine Toolkit (PDF)</a>	CMS has broadened access to Medicare telehealth services so that beneficiaries can receive a wider range of services from their doctors without having to travel to a healthcare facility.	3/27/20

III. Waivers and Flexibilities		
Name	Summary	Date
<a href="#">Long Term Care Facilities (Skilled Nursing Facilities and/or Nursing Facilities): CMS Flexibilities to Fight COVID-19</a>	The document contains temporary regulatory waivers and new rules to equip the American healthcare system with maximum flexibility to respond to the COVID-19 pandemic.	7/9/20 (updated)

IV. Data Releases
Name
<a href="#">COVID Nursing Home Compare Data</a>
<a href="#">Nursing Home Data Release FAQs (PDF)</a>

**General Information:**

- [CDC.gov/coronavirus](https://www.cdc.gov/coronavirus) has the latest public health and safety information from CDC and for the overarching medical and health provider community on COVID-19.
- [Preparing for COVID-19 in Nursing Homes](#)
- [Coronavirus.gov](https://www.coronavirus.gov) or USA.gov is the source for the latest information about COVID-19 prevention, symptoms, and answers to common questions.
- [FDA.gov/Coronavirus](https://www.fda.gov/coronavirus) recommendations, regulatory information, guidance, and technical assistance necessary to support rapid coronavirus disease 2019 (COVID-19) response efforts.

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