

CMS Issues Interim Final Rule with New Requirements for COVID-19 Reporting for Nursing Homes

Last night, CMS issued an [interim final rule](#) with comment period which revises § 483.80 establishing explicit reporting requirements for long-term care (LTC) facilities to report information related to COVID-19 cases among facility residents and staff. These reporting requirements are applicable on the effective date of this interim final rule which is the date of the publication at the Office of the Federal Register. AHCA will notify members when it is published.

Under this new requirement nursing facilities must:

Electronically Report to CDC's National Healthcare Safety Network (NHSN)

- Electronically report information about COVID-19 in a standardized format specified by the Secretary, which will rely on CDC NHSN portal that went live on Wednesday, April 29 with the new [LTCF COVID-19 module](#). This report to CDC must include but is not limited to:
 - Suspected and confirmed COVID-19 infections among residents and staff, including residents previously treated for COVID-19;
 - Total deaths and COVID-19 deaths among residents and staff;
 - Personal protective equipment and hand hygiene supplies in the facility;
 - Ventilator capacity and supplies in the facility;
 - Resident beds and census;
 - Access to COVID-19 testing while the resident is in the facility;
 - Staffing shortages; and
 - Other information specified by the Secretary.
- Provide the information specified in the list above at a frequency specified by the Secretary, but no less than weekly to NHSN.
- This information will be posted publicly by CMS to support protecting the health and safety of residents, personnel, and the general public.

In addition, providers must continue to comply with state and local reporting requirements for COVID-19. AHCA will continue to advocate to align State and CDC reporting to avoid duplication of effort that is taking staff away from resident care.

Inform Residents, their Representatives, and Families

- Inform residents, their representatives, and families of those residing in facilities by 5 p.m. the next calendar day following the occurrence of:
 - Either a single confirmed infection of COVID-19, or
 - Three or more residents or staff with new-onset of respiratory symptoms occurring within 72 hours of each other.
- This information must:
 - Not include personally identifiable information;
 - Include information on mitigating actions implemented to prevent or reduce the risk of transmission, including if normal operations of the facility will be altered; and
 - Include any cumulative updates for residents, their representatives, and families at least weekly or by 5 p.m. the next calendar day following the subsequent occurrence of either:
 - Each time a confirmed infection of COVID-19 is identified, or
 - Whenever three or more residents or staff with new onset of respiratory symptoms occur within 72 hours of each other.
- The preamble to the rule states that facilities are not expected to make individual calls. Providers may use general communication platforms easily available to residents, representatives and families such as listservs, website postings, and recorded telephone messages.

AHCA will continue to advocate for CMS to issue clarifying language that makes this feasible and as least burdensome as possible.

Please email COVID19@ahca.org for additional questions, or visit ahcancal.org/coronavirus for more information.

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