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## Summary of CMS Reporting Requirements

AHCA developed a [detailed summary](#) of the [QSO memo](#) issued by CMS on May 6, 2020, including further information on:

- requirements for notifying residents, representatives, and families of COVID cases,
- NHSN reporting requirements, and
- survey and enforcement of these new requirements.

Although CMS has provided clarification on some aspects of these new requirements in the memo, we continue to communicate with CMS and CDC on several outstanding issues and to advocate for needed flexibility including an extended grace period for NHSN reporting enforcement due to the current delays and backlogs in NHSN enrollment.

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## Attestation Period Extended for CARES Act Provider Relief Funds

Today, the U.S Department of Health and Human Services (DHHS) announced that the attestation window and related acceptance of Terms and Conditions has been extended to 45 days, formerly 30 days, **from the date a provider received a payment to attest to and accept the Terms and Conditions or return the funds**. Members will need to identify the date of their initial funding relief payment and identify their new attestation and Terms and Conditions acceptance date based on the extension. In the [press release](#), DHHS offers an example of how the extension of the window will be operationalized.

Shortly after announcing the extension of the provider-specific attestation period, DHHS released an updated set of [FAQs](#). Members should review the FAQs in detail and compare these with the [Terms and Conditions](#). Below are preliminary highlights. Additional AHCA/NCAL assessment will be provided tomorrow.

- **Additional Funding is Available to Targeted and General Allocations**. This point has been a notable point of confusion. DHHS

now states, “Any provider who has already received a payment from the Provider Relief Fund ... should apply for additional funding.”

- **General Fund Allocation Updates.** Skilled Nursing Facilities (SNFs) are eligible for general fund awards. Below is a list of new or updated:
  - *Higher Payment Than Expected.* DHHS describes what a provider should do if they believe payment is greater than expected or received in error;
  - *Description of Recoupment.* DHHS notes that in general the Department “does not intend to recoup funds as long as a provider’s lost revenue and increased expenses exceed the amount of Provider Relief funding a provider has received. Additionally, in the General Allocation portion of the website, DHHS has added text bolstering this point and noting “there will be significant anti-fraud and auditing work done by HHS, including the work of the Office of the Inspector General.”
  - *Expenditure of Funds on Individuals with Possible, Presumptive, and Actual Cases of COVID-19.* DHHS notes that Provider Relief Funds may be used for possible, presumptive, and actual COVID-positive patients and discusses each term.
- **Terms and Conditions Updates.** DHHS offers additional details on how it will monitor adherence to the Terms and Conditions and offers detail on certain provisions. The majority of the updates focus on the Targeted Allocations such as High Impact and Rural Allocations.
- **Rejecting Funds.** DHHS notes that “providers may return their General Distribution payment by going into the attestation portal indicate they are rejecting the funds. The CARES Act Provider Relief Fund Payment Attestation Portal will guide providers through the attestation process to reject the funds.” AHCA/NCAL assumes DHHS’ intent is within 45 days but will seek clarification.
- **Reporting Requirements.** The Department notes it will be posting specific reporting requirements in the coming weeks.

AHCA/NCAL will continue to submit questions and examples of challenging fund scenarios to DHHS including Change in Ownership (CHOW), Tax Identification Number (TIN) aggregation, disaggregation, or lack of TIN arrangements, additional questions about financial terminology and use of tax filing data for validation.

Please email [COVID19@ahca.org](mailto:COVID19@ahca.org) for additional questions, or visit [ahcancal.org/coronavirus](https://ahcancal.org/coronavirus) for more information.

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