

MEDICAID POLICY INFORMATION SHEET

Policy Analyst: Michael Hart

Phone Number:

Initial

Public Comment

Final

Brief description of policy:

This policy establishes COVID Relief (CR) Facilities to allow eligible Nursing Facilities to retain COVID-positive residents and under enhanced standards and special circumstances they will also be able to admit new COVID-positive residents when additional capacity is needed.

Reason for policy (problem being addressed):

Per Senate Bill 1094 of 2020, this policy establishes a path for existing Medicare and Medicaid certified Nursing Facilities to enhance the continuum of Nursing Facility (NF) capacity in response to COVID-19. Through designation as a COVID Relief (CR) Facilities, eligible NFs will be able to treat COVID-positive residents in-place as a mechanism to limit the risks associated with transfer, facilitate additional oversight on infection control measures to ensure safety, and increase surge capacity in a region should it be needed.

Budget implication:

budget neutral

will cost MDHHS \$ _____, and (select one) budgeted in current appropriation

will save MDHHS \$ _____

Is this policy change mandated per federal requirements?

No, the policy is mandated per Michigan Senate Bill 1094.

Does policy have operational implications on other parts of MDHHS?

None

Does policy have operational implications on other departments?

The application approval process and ongoing monitoring will require support and coordination with LARA.

Summary of input:

controversial (Explain)

acceptable to most/all groups

limited public interest/comment

Supporting Documentation:

| | |
|--|---|
| State Plan Amendment Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Public Notice Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes, please provide status: | If yes, |
| <input type="checkbox"/> Approved <input type="checkbox"/> Pending <input type="checkbox"/> Denied | Submission Date: |
| Date: _____ Approval | Date: _____ |

| | | |
|--|--------------------------------|--------------------------------|
| DRAFT FOR PUBLIC COMMENT Michigan Department of Health and Human Services | | |
| | Project Number: 2071-NF | Date: November 16, 2020 |

Comments Due: December 21, 2020

Proposed Effective Date: December 1, 2020

Direct Comments To: Michael Hart

Address:

E-Mail Address: HartM6@michigan.gov

Phone:

Fax:

Policy Subject: COVID-19 Response: COVID Relief Facilities to Treat COVID-19 Patients and Residents Requiring Nursing Facility Care in Limited Circumstances

Affected Programs: Medicaid

Distribution: Nursing Facilities

Summary: This policy establishes COVID Relief (CR) Facilities to allow eligible Nursing Facilities to retain COVID-positive residents and under enhanced standards and special circumstances they will also be able to admit new COVID-positive residents when additional capacity is needed.

Purpose: Per Senate Bill 1094 of 2020, this policy establishes a path for existing Medicare and Medicaid certified Nursing Facilities to enhance the continuum of Nursing Facility (NF) capacity in response to COVID-19. Through designation as a COVID Relief (CR) Facilities, eligible NFs will be able to treat COVID-positive residents in-place as a mechanism to limit the risks associated with transfer, facilitate additional oversight on infection control measures to ensure safety, and increase surge capacity in a region should it be needed.

Cost Implications: Budget neutral

Potential Hearings & Appeal Issues:

| | |
|---|--|
| State Plan Amendment Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Public Notice Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| If yes, date submitted: | Submitted date: |

Tribal Notification: Yes No - **Date:**

THIS SECTION COMPLETED BY RECEIVER

| | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> No Comments |
| <input type="checkbox"/> Disapproved | <input type="checkbox"/> See Comments Below |
| | <input type="checkbox"/> See Comments in Text |

| | |
|-------------------|---------------------|
| Signature: | Phone Number |
|-------------------|---------------------|

Signature Printed:

Bureau/Administration *(please print)*

Date

Comment001

Revised 6/16

Bulletin Number: MSA 20-73

Distribution: Nursing Facilities

Issued: November 16, 2020

Subject: COVID-19 Response: Policy for COVID Relief (CR) Facilities to Treat COVID-19 Residents Requiring Nursing Facility Care in Limited Circumstances

Effective: December 1, 2020

Programs Affected: Medicaid

PURPOSE

The purpose of this bulletin is to establish COVID Relief (CR) Facilities to allow eligible nursing facilities (NF) to retain COVID-positive residents and, with enhanced standards, under special circumstances they will also be able to admit new COVID-positive residents when additional capacity is needed.

CR FACILITIES DEFINED

These NFs meet criteria established in Senate Bill 1094 to care for COVID-positive residents who become ill and do not meet a hospital level of care. The purpose of CR Facilities is to provide care in-place with enhanced infection control measures for individuals with confirmed COVID-19 who have not met the criteria for discontinuation of Transmission-Based Precautions and have limited access to the State's Care and Recovery Centers (CRCs). All approved CR Facilities may retain or readmit, after acute care, their own COVID-positive residents. NFs that are not approved for CR Facility designation must transfer any COVID-positive residents to an alternate location.

Increasing the capacity of NFs to care for COVID-positive residents in-place will limit the risks associated with transfer, facilitate additional oversight on infection control measures to ensure safety, and increase surge capacity in a region should it be needed.

MINIMUM PARTICIPATION CRITERIA

NFs must meet the following criteria to qualify for CR Facility designation:

- Has a designated COVID-positive area (designated area can include a portion of a unit, wing, or separate building);
- Has dedicated staff to serve only COVID-positive residents;
- Has an adequate supply of Personal Protective Equipment (PPE); and
- Has adequate testing capabilities to comply with any Michigan Department of Health

and Human Services (MDHHS) orders or Centers for Medicare & Medicaid Services (CMS) requirements

CR Facilities seeking to admit new COVID-positive residents must also meet the following criteria demonstrating enhanced experience and capacity:

- The NF has a rating of 2 or higher in the staffing category of the CMS Nursing Facility Compare Five-Star Rating by the date of final application approval.
- The NF is not designated by CMS in Nursing Facility Compare as a Red Hand Facility, indicating a citation for abuse.
- Has experience serving COVID-positive residents.
- Has available a qualified healthcare professional designated as the Infection Preventionist ([Centers for Disease Control and Prevention](#) completed and documented).

Note: Whenever practicable, a virtual assessment will be conducted to verify compliance with the selection standards for facilities seeking CR Facility designation to admit new COVID-positive residents.

CR Facilities approved to admit new COVID-positive residents may only do so under the special circumstances outlined within this policy.

CR FACILITY STANDARDS

NFs that apply to be CR Facilities are expected to maintain the following standards:

Physical plant standards. CR Facilities must demonstrate an appropriate physical plant to support the minimum requirements through submission of a complete floor plan to MDHHS that identifies the following:

- Designated COVID area
 - Designated area can include a fully dedicated or a portion of a floor, unit, wing, separate building, or group of rooms at the end of a unit that will be used to cohort residents with COVID-19. The designated area for residents with COVID-19 should be demarcated as a reminder for healthcare personnel. Other residents should be prevented from entering the area. The residents with COVID-19 should not share a bathroom with residents outside the cohort.
- Dedicated staff entry, staff break area, and restrooms preferred; otherwise, NFs need a documented plan to ensure infection control standards are maintained
- Dedicated donning/doffing at the entrance and exit of the area, with separate areas for clean and used PPE

Staffing standards. CR Facilities must ensure:

- Dedicated direct care staff that only work in the designated COVID-19 care area of the NF
- Maintaining necessary supportive services as practicable while ensuring infection control standards are maintained
- Staffing plan based upon appropriate nursing and Certified Nurse Aide (CNA) ratio for the requested bed capacity

Infection control standards. CR Facilities must ensure:

- All staff dedicated to the COVID-19 care area are trained in infection control procedures, including staff with resident care duties as well as housekeeping, dietary, laundry, and other employees working in the COVID-19 care area.
- The CR Facility has established policy and procedures that ensure staff compliance with infection control procedures
- The CR Facility maintains an adequate supply of all PPE

Testing standards. CR Facilities must maintain:

- A plan for complying with testing guidance from the CDC and/or MDHHS where applicable
- Resident and staff screening procedures

CR Facility communication. CR Facilities must maintain a communication plan that addresses:

- The presence of COVID-19 within the facility
- Process to maintain safety and supports for all residents and staff
- How the above components will be communicated with facility residents, families and legal representatives, and facility staff
- The use of virtual visitation for residents to communicate with family and friends
- If seeking to admit new residents, detail to communicate bed availability and supports available to referring hospitals

SPECIAL CIRCUMSTANCES BY WHICH A CR FACILITY CAN ACCEPT NEW COVID-POSITIVE ADMISSIONS

CR Facilities that have been approved to do so may admit new COVID-positive residents from hospitals or residents from other NFs that are unable to properly isolate residents with confirmed COVID-19 who have not met criteria for discontinuation of [Transmission-Based Precautions](#).

In order to accept a COVID-positive admission from either a hospital or other NF, the following conditions must be met:

- The nearest CRC is more than 25 miles away or CRCs within a 25-mile radius are at maximum COVID capacity; or
- The resident has special care needs that can be most appropriately accommodated by the CR Facility; or
- The resident or their legal representative identifies the CR Facility as the preferred NF for admission.

If none these conditions are met, then the CR Facility is required to request special exception from MDHHS prior to admission. These exceptions will be considered on a case-by-case basis. Requests for special exceptions must be submitted to MDHHS-MSA-COVID19@michigan.gov. If the request is denied, the referring entity will be required to find another facility that is capable of safely housing the resident in question.

Additional considerations will be given during times of surge, at which point MDHHS may issue special provisions to expand the circumstances by which a nursing facility may apply to be a CR Facility or how CR Facilities are able to accept COVID-positive residents.

SPECIAL CIRCUMSTANCE DOCUMENTATION

NFs admitting COVID-positive residents should maintain documentation for each new resident indicating the circumstance(s) that were met permitting admission into the CR Facility. Examples of appropriate documentation may include specialized care plan, other medical documentation indicating an increased transfer risk, distance to nearest CRC, communications with local CRCs indicating capacity constraints, etc. These items may be requested in departmental oversight and monitoring procedures for the duration of the CR Facility designation.

EFFECTIVE IMPLEMENTATION DATE

This policy is effective on December 1, 2020. After this date:

- Nursing facilities that have not applied for or were denied CR Facility designation must transfer any COVID-positive residents to an alternate location as soon as practicable.
- Nursing facilities that have applied for CR Facility designation but have not yet received approval/denial for participation:
 - Will be permitted to retain for care an individual who has tested positive for COVID-19 until official MDHHS determination.
 - Will not be permitted to accept a new COVID-positive admission from either a hospital or other NF until and unless such approval is granted.

NFs will be notified of their designation status via email. The State retains the right to revoke or modify designation at any time.

Public Comment

The public comment portion of the policy promulgation process is being conducted concurrently with the implementation of the change noted in this bulletin. Any interested party wishing to comment on the change may do so by submitting comments to Michael Hart via e-mail at HartM6@michigan.gov

Please include “Policy for COVID Relief (CR) Facilities to Treat COVID-19 Residents Requiring Nursing Facility Care in Limited Circumstances” in the subject line.

Comments received will be considered for revisions to the change implemented by this bulletin.

Manual Maintenance

Information is time-limited and will not be incorporated into any policy or procedure manuals.

Questions

Any questions regarding this bulletin should be directed to Provider Inquiry, Department of Health and Human Services, P.O. Box 30731, Lansing, Michigan 48909-8231, or e-mailed to ProviderSupport@michigan.gov. When you submit questions, be sure to include your name, affiliation, NPI number, and phone number so you may be contacted if necessary. Providers may phone toll-free 1-800-292-2550.

Approved



Kate Massey, Director
Medical Services Administration