



#protectMEseniors



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Dear Member:

Avoid Fines - Report COVID-19 Vaccinations to NHSN

Under the recently released CMS interim final rule, nursing facilities must begin including vaccination data reporting in facility NHSN submissions by 11:59 p.m. Sunday, June 13, 2021. To be compliant with the new reporting requirements, facilities must submit the data through the NHSN reporting system at least once every seven days. Facilities may choose to submit multiple times a week.

Enforcement of the provisions of this for nursing facilities will be similar to those requirements addressing influenza and pneumococcal vaccinations. CMS will impose civil money penalties if it determines that the facility has failed to report vaccination data.

From the [QSO-21-19-NH \(cms.gov\)](#) memo:

Enforcement for F884:

Compliance with F884 requires facilities to continue to report COVID-19 data through NHSN's LTCF COVID-19 Module, and now, with finalization of the new reporting requirements at §483.80(g)(viii) and (ix), they must begin reporting vaccination data for residents and staff and the use of therapeutics for residents. **CMS will begin reviewing for compliance with the new vaccination reporting requirements Monday, June 14, 2021.**

Facilities identified as not meeting the all reporting requirements under the provisions at §483.80(g)(1), including the new vaccination reporting requirements, will receive a deficiency citation at F884 on the CMS 2567, Statement of Deficiencies, at a scope and severity level of F (no actual harm with a potential for more than minimal harm that is not an Immediate Jeopardy [IJ] and that is widespread). Failure to report the required elements to NHSN (including the new vaccination reporting requirements) will result in a single deficiency at F884 for that reporting week. In accordance with §488.447, a determination that a facility has failed to comply with the requirements to report weekly to the CDC pursuant to §483.80(g)(1)-(2) (tag F884) will result in a civil money penalty (CMP) imposition.

Enforcement for F884 follows a progressive pattern, which leads to an increase of the CMP amount for each subsequent occurrence of noncompliance, not to exceed the maximum amount set forth in §488.408(d)(1)(iii), as specified in §488.447(a)(2).2 The amount of the CMP imposed is incrementally increased based on the provider's history of noncompliance with F884 since June 2020 when providers were first required to start reporting COVID-19 related data to the CDC.

Per enforcement requirements at §488.447, **failure to meet reporting requirements at §483.80(g)(1) will result in a CMP starting at \$1,000 for the first occurrence of a failure to report**. For each subsequent week that the facility fails to submit the required report, the noncompliance will result in an additional CMP imposed at **an amount increased by \$500 and added to the previously imposed CMP amount for each subsequent occurrence**.

Maine Revises Table Guidance for Congregate Care Settings

On May 24, 2021 Maine CDC released updated table guidance to clarify applicability of the recent Governor's Order regarding source control, indoor activities and social distancing. As Maine vaccination rates continue to rise there are a few **KEY POINTS OF CLARITY** for you as healthcare providers. Below we have identified the key points for member homes.

- GROUP A GUIDANCE (Nursing Homes, ICF/IIDs, Alzheimer's/Dementia Care, PNMIs, Res. Care, Asst. Living, Multi-level)
- The May 13th CDC Updated Guidance DOES NOT APPLY to our healthcare settings.
- The May 24th Maine Governor's Order allowing fully vaccinated persons to be unmasked, indoors DOES NOT APPLY to our healthcare settings.
- IF all residents and staff persons are vaccinated then the RESIDENTS may opt to unmask for group activities.
- STAFF members, regardless of vaccination status should be masked at all times; EXCEPT in closed meetings or staff lounge for meals where ALL staff persons are present are vaccinated.
- IF ANY RESIDENT OR STAFF person is not fully vaccinated and in the communal/group activity EVERYONE should be masked and socially distant.
- FULLY VACCINATED RESIDENTS do not need to quarantine upon return from activities outside the facility. The facility should continue to monitor for symptoms for up to 14 days.
- NOT FULLY VACCINATED RESIDENTS MUST QUARANTINE for 14 days upon return from activities outside the facility.
- IF the facility is in a county with MED-HIGH POSITIVITY or in an outbreak status EYE PROTECTION should be worn.
- NON-ESSENTIAL staff are allowed into the building regardless of vaccination status. They should adhere to social distancing and masking requirements.
- NEW ADMISSIONS/READMISSIONS that are FULLY VACCINATED do not need to quarantine.
- RESIDENTS who have had a COVID-19 CLOSE CONTACT EXPOSURE are recommended for 14 days of quarantine.
- FULLY VACCINATED staff DO NOT need to participate in routine surveillance testing. NOT FULLY VACCINATED staff should be tested as directed by the county positivity rates.

Sincerely,

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