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Dear Member:

Notes From Today's CDC Medical Director/Clinician Call

CDC Updates:

- Maine CDC is working with several outbreaks but only one in long term care, which didn't originate in the facility.
- Other investigations are underway at colleges, schools, a paper mill and York County in general is an area of concern.

Policy Updates:

Paul Saucier, OADS:

- Nursing home testing guidance has been released and reflects CMS federal testing guidelines. See State and Federal Testing Comparison in 9-3-20 MHCA COVID-19 Daily Briefing:
 - [MHCA Covid-19 Briefing: HHS Approves Funding Allocation for Private Pay Assisted Living, MHCA State & Federal Side by Side Testing Comparison, CMS Nursing Home Compare Now Merged to Care Compare, NHSN Updates Reflect POC Testing Option \(09/03/20\)](#)
- DHHS is working on Assisted Housing testing and reopening guidance, anticipated release is end of September.

Bill Montejo, DLC:

- DLC is working on clarifying guidance for nursing homes that will address the areas of students, compassionate care and reopening phases.
- Nursing home testing:
 - Surveillance testing is monthly based on positivity rates per the CMS guidance, or as dictated by the Maine CDC. For now, Maine is using the CMS positivity rates, but this is subject to change and DLC/CDC will inform providers accordingly. Some states have elected to use their own state data because it was more accurate and timely. It remains to be seen if Maine goes this route.
 - Providers are in compliance with federal and state testing requirements as long as you are engaged in the process of trying to meet the goals by the prescribed deadlines. For example, your first round of testing needs to be in process, not completed, by the end of September.
 - With respect to the federal Point of Care (POC) testing reporting requirement, Maine CDC has yet to release the format and process.
 - Decisions around testing vs. screening should be made based on the frequency of someone's entry into the facility, the extent to which that individual has been to multiple facilities/settings and degree of contact with residents and staff, among other considerations.
 - Sally Weiss is the state's new testing coordinator and she can be reached at COVIDTesting.DHHS@maine.gov.

- EMS nonemergency transfers: EMS is considered a contractor, which means the nursing home must either administer a COVID-19 test or obtain evidence of testing, depending on the arrangement you have with your EMS provider. **A 9-1-1 response does not require screening or proof of a negative test of EMS personnel as they are dealing with the emergency, but they should be using PPE.

AHCA/NCAL Investigates POC False Positives in COVID-19 Testing: Member Survey and Resources

Late last week, AHCA/NCAL received a handful of reports of BD Analyzers producing COVID-19 false positives with staff and residents. AHCA is working closely with LeadingAge, the Department of Health and Human Services, and BD Veritor leadership to investigate these preliminary reports, determine the extent of the issue, and understand the cause(s). The following is an update of developments to-date and what the organizations are doing jointly:

If you have received and are using these POC devices:

- Please complete this [short survey](#) about your use of the BD and Quidel point of antigen tests by midnight tonight, Tuesday, September 15. This will help us better understand the issues surrounding these tests.
- Please continue to share reports as soon as you get them from nursing homes that are seeing false positive antigen POC tests (with either BD or Quidel).
- BD has set up dedicated resources for providers experiencing false positives.
- Providers who experience multiple false positives ONLY can call Sara Lewis at (207) 522-7563. Please note that this number will likely change in the next few days.
- You can also email BD at Technical_Services@bd.com.
- BD offers a [microsite](#) and [training webinars](#), which members are encouraged to review if they are having concerns with accuracy to make sure they are properly following all instructions.
- Members should continue to use these POC tests but are encouraged to follow the [CDC guidance](#) and [algorithm](#) with details about when to conduct confirmation testing of positive antigen tests.

Members are also encouraged to conduct confirmation testing with PCR tests in other situations not covered by CDC guidance where asymptomatic residents or staff test positive with the antigen tests given the recent reports of false positives.

If asymptomatic residents test positive with a POC antigen test, they should be placed into TBC and single room if possible but not moved to a COVID-19 (+) or cohorted with a known positive resident until confirmation testing with PCR is obtained.

Department of Labor Updates Temporary COVID Leave Rule

The Department of Labor (DOL) has issued an [update to the temporary rule](#) the agency issued in April regarding worker leave related to the COVID-19 pandemic by changing the definition of health care workers.

According to the DOL update, employees defined as health care workers are not required to have paid sick leave and expanded family and medical leave. Other employees of providers, such as food service, housekeeping, and records and billing, are required to have paid sick leave and expanded family and medical leave. Previously, all employees, regardless of job activity, in a health care facility were included in the broad definition of health care provider and thus excluded from the paid leave requirements.

These changes apply to employers with fewer than 500 employees, and the aggregation of employees across locations is possible in certain instances. This rule applies to nursing facilities and all long term care facilities, which would include IDD [intellectual development and disabilities] and assisted living providers that meet the definitions in the rule. Providers should work with their employment counsel to determine whether these leave provisions apply. Covered paid sick leave for non-health care staff includes up to two weeks of COVID-19-related paid sick leave if an employee is:

- Under quarantine order from a government entity (local, state, or federal);
- Advised by a health care provider to self-quarantine;
- Experiencing symptoms of COVID-19 and seeking medical diagnosis;
- Caring for another who meets any of the above conditions; or
- Caring for a child whose school or childcare provider is closed due to COVID-19-related reasons.

EFMLEA for non-health care staff includes up to 12 weeks of expanded family and medical leave,

some of which is paid in certain circumstances, if unable to work due to need to care for a child whose school or childcare provider is closed due to COVID-19-related reasons.

Currently, the coronavirus leave requirements are in place through Dec. 31, 2020. Providers should familiarize themselves with these [new requirements](#), which go into effect on Wednesday, Sept. 16, 2020.

The revised Labor rule came in response to a district court decision in New York that found part of the original rule invalid. The revisions impact the definition of a health care provider, which can be exempted from paid leave and emergency family and medical leave expansion act (EFMLEA) requirements.

Maine's Assisted Living Communities Convey Why "Caring is Essential"

This week, Maine's assisted living communities are participating in National Assisted Living Week® (NALW). The national observance—which begins each year on National Grandparents' Day—honors the individuals who reside, work and volunteer in assisted living and residential care communities with special activities and events.

Created by the National Center for Assisted Living (NCAL) in 1995, this year's NALW theme is "***Caring is Essential***," reflecting the hard work and dedication of all the essential caregivers in assisted living communities across the country. The COVID-19 pandemic has changed much of the day-to-day life of our staff and residents for the time being. Despite these hurdles, Maine's caregivers continue to provide high-quality care to residents in assisted living and should be honored for the incredible work they do every day.

"With many friends and family still unable to enter the buildings due to COVID, caregivers in assisted living communities nationwide are playing an even more critical role to residents," said Scott Tittle, Executive Director of NCAL. "This National Assisted Living Week, in addition to the hundreds of thousands of heroes working in assisted living today, we must recognize the special relationships residents have with staff and how those bonds enrich everyone's lives."

While times are challenging, MHCA recognizes that our assisted living communities are offering a variety of events and activities to bring together residents and staff, while adhering to infection control requirements and precautions in place for COVID-19. Members are asked to share their celebrations throughout the week on social media with the hashtag, #NALW. Be sure to tag Maine Health Care Association too!

HHS Extends Deadline to Apply for Private Pay AL Funding

The Department of Health and Human Services has extended the deadline for assisted living providers to submit their taxpayer ID numbers for validation as part of the application process for the [Phase 2 Provider Relief Fund Distribution](#) to September 21.

Eligible assisted living communities will receive 2 percent of their annual revenue from patient care. Please visit the [Provider Relief Fund webpage](#) for more information or view the [Tip Sheet on Keys to Successful Application Submissions](#).

If you have specific questions, please contact the CARES Act Fund Hotline at (866) 569-3522 (for TTY dial 711) or review the [Frequently Asked Questions](#) from HHS. Questions can also be emailed to COVID19@ahca.org.

Thank you for all you do to care for your residents and staff.

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