



Visit our COVID-19 Page Here

Dear Member:

Days Waiting Placement rate for 2020-21 set

The Days Waiting Placement per diem rate for nursing homes has been recalculated for State Fiscal Year 2021. The new rate that can be billed for days waiting placement on or after July 1, 2020 through June 30, 2021 is **\$121.03/day**. Members will note that the FY21 rate is lower than the posted FY20 rate because the FY20 rate was miscalculated due to a staff transition at that time. The FY21 rate brings us into alignment, and DHHS has stated that they will not be recouping any overpayments that were made due to last year's error.

If you have any questions, please contact MaineCare Rate Setting Financial Analyst, Dwayne Parsons, at 207-287-4875 or Dwayne.A.Parsons@maine.gov.

Clarification on TRI review process

As Nursing Home and PNMI providers are aware, the DHHS Division of Audit is conducting a review of the Temporary Rate Increase (TRI) associated with COVID-19. MHCA asked for clarification on how federal payments to facilities, such as the Cares Act and Payroll Protection Program, will be treated. Division of Audit Director Herbert Downs responded as follows:

The PPP and Cares Act Funding is being excluded from the TRI reviews we are currently conducting. When those funds are finally accounted for by the federal program, we will need to address the uses of the funds in our audit.

So to be clear, we are not offsetting any of these federal funds (unless the provider has requested that we offset them) in the current TRI reviews that are going out in August and September. When we do the final audit of the cost report that includes the fiscal period March 1, 2020 through May 31, 2020 we will look to the federal treatment of these funds for guidance on how to include them in our audit.

MHCA will continue to monitor this process. Members with questions should feel free to contact the Association.

Summary of Today's COVID Medical Director/Clinician Call

- DLC guidance on reopening for LTC facilities: According to Bill Montejo, ME DHHS has sent out guidance addressing nursing home reopening and submission of a facility wide testing plan that includes baseline testing of staff. There has also been guidance from CMS regarding compassionate care visits. Maine DLC/CDC are working on guidance for all other non-nursing home providers (i.e. assisted housing) but this is not finalized at this time. DLC anticipates there will be specific guidance in September.
- DLC believes that nursing homes will be able to transition from reopening phase 1-2 with a testing plan in place and an initial round of baseline testing conducted for all staff. According to a call with CMS and state agencies yesterday 8/17/20, CMS will be mandating testing in nursing homes. MHCA believes that this will align with what Maine is currently doing. DLC is awaiting more specific guidance but the indication

from Seema Verma (Administrator of CMS) is that this would be out within the next week. DLC believes that this would be in alignment with Maine's testing/reopening plan.

- According to DLC, testing plans for multi-level facilities (when there is NEVER any shared staff between LOC, no shared entrances or co-mingling in break rooms etc.) do not need to include the AL side of the 'house'; however, if there is any possibility of co-mingling then ALL staff on all sides/units/LOC should be tested.
- Baseline testing: Who counts as a vendor? This is part of the guidance from Maine DHHS dated 8/7/2020. The facility would not be testing vendors such as HVAC, sprinkler inspections etc. coming into the facility. They would be screened as a part of the CDC guidance already in existence. Hospice, therapy, agency staff, care providers etc. SHOULD be included in the testing plans.
- Compassionate Care visits: Per DLC, medical director should be involved in the decision to allow compassionate care visits because this extends beyond just end of life care. If the visit is in the resident's well-being and is essential to the resident (not necessarily the families) then compassionate care visits are permissible. A compassionate care visit would be permissible if it were to reduce the physical or emotional decline of the resident. This is consistent with federal CMS guidelines.
- Questions regarding what are the correct swabs: Maine CDC recommends that you look at what your lab requires as what swabs are required.
- Beauticians/Salons: DLC is working on it but there is nothing new at this time. These non-essential staff members WOULD be eligible for entry during phase 2.
- Students/Instructors: DLC is working with MHCA, LTCOP, and CDC to develop a definition that would include these folks as essential workers. There should be some resolution of this fairly soon. DLC has reached out to other states to see what they have done but they are confident that this issue will be resolved by the next MD call or later this week.
- Transport of Swabs: How long do the samples stay good if on ice? HETL has stated that they need the sample within 48 hrs of testing. MHCA suggests that you check with the manufacturers details of the testing supplies and the lab to ensure the timing is correct.

CMS to Return to Normal Survey Process

Centers for Medicare and Medicaid Services (CMS) issued a Quality, Safety & Oversight (QSO) [memo](#) to states today instructing them to return to normal survey process as soon as resources in the state allow and in accordance with states' reopening plans. It also provides guidance on how to resolve pending enforcement actions suspended as a result of prior QSO memos on March 23, 2020 and June 1, 2020 that suspended some survey enforcement actions during the COVID-19 pandemic.

On March 23, 2020, CMS issued the QSO 20-20-All memorandum, which limited survey activity to focused infection control surveys. On June 1, 2020, CMS issued the QSO 20-31-All memorandum that provided survey re-prioritization guidance to transition to more routine oversight and survey activities. This latest memo instructs states to restart all normal surveys as possible.

CMS intends to resolve suspended enforcement cases and provide guidance for closing them out going forward starting today. This process involves four components that are described in the QSO memo:

- Expanding the Desk Review policy for Plans of Corrections (POCs);
- Processing enforcement cases that were started BEFORE March 23, 2020;
- Processing enforcement cases that were started ON March 23, 2020, THROUGH May 31, 2020; and
- Processing enforcement cases that were started ON OR AFTER June 1, 2020.
- CMS is also issuing updated guidance for the re-prioritization of routine state survey agency (SA) Clinical Laboratory Improvement Amendments (CLIA) survey activities, subject to the SA's discretion, in addition to lifting the restriction on processing CLIA enforcement actions, and issuing the Statement of Deficiencies and Plan of Correction (Form CMS-2567) for CLIA citations.

Providers with questions about past enforcement actions suspended during the pandemic should contact their state survey agency for guidance as there are many scenarios that may not be fully addressed by this memo.

Per CMS, questions about a specific enforcement cycle may be addressed with the specific CMS location.

Long-Term Care questions should be addressed to: DNH_Enforcement@cms.hhs.gov

CLIA questions should be addressed to: LabExcellence@cms.hhs.gov

MHCA has contacted DLC to determine if Maine will conduct surveys once facilities reach Phase 3 of reopening or sooner. We've also asked if the state has a surveyor testing plan and sufficient PPE for its survey staff. We will keep you updated on the plans.

CMS Transitioning Live Weekly Training Series to On-Demand

Topic: CMS-CDC Fundamentals of COVID-19 Prevention for Nursing Home Management

Live Q&A Sessions Advance Registration Required: [Register here.](#)

Starting this week on August 20, the live webinar National CMS/CDC Nursing Home COVID-19 Training Series will transition to a pre-recorded, self-paced format. The new [CMS-CDC Fundamentals of COVID-19 Prevention for Nursing Home Management](#) training series will include 13 topics that your nursing home partners must know to manage the COVID-19 pandemic. These trainings will be housed on QIOProgram.org for 24/7 access.

New, pre-recorded trainings will be released every Thursday at 4:00 p.m. EST through September 2020. CMS and CDC will have subject matter experts available on bi-weekly Q&A sessions through early January 2021 to answer questions you may have about the trainings.

To keep your nursing home training momentum going, please take a moment to complete the following:

- [Sign up for updates to CMS-CDC Fundamentals of COVID-19 Prevention for Nursing Home Management training, including new training releases, resources and tools.](#)
- [Register for upcoming Q&A sessions.](#)

CMS COVID-19 Stakeholder Engagement Calls

CMS hosts varied recurring stakeholder engagement sessions to share information related to the agency's response to COVID-19. Conference lines are limited so we highly encourage you to join via audio webcast, either on your computer or smartphone web browser. Calls recordings and transcripts are posted on the [CMS podcast page](#).

Nursing Homes: (twice a month on Wednesday at 4:30 PM Eastern)

Wednesday, August 26th at 4:30 – 5:00 PM Eastern

Toll Free Attendee Dial-In: 833-614-0820; Access Passcode: 5718509

Audio Webcast Link: [Nursing Home Call](#)

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

Nadine L. Grosso

Vice President and Director of Communications

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