

Long-Term Care Facilities and Skilled Nursing Facilities (SNFs) and/or Nursing Facilities (NFs)

<https://www.cms.gov/files/document/covid-19-emergency-declaration-waivers.pdf>

Waiver Topic	Specific Waiver Language	End Date and CMS Memo Notice
3-Day Prior Hospitalization	<p>CMS is waiving the requirement for a 3-day prior hospitalization for coverage of a SNF stay to allow for temporary emergency coverage of SNF services without a qualifying hospital stay.</p> <p>In addition, for certain beneficiaries who recently exhausted their SNF benefits, it authorizes renewed SNF coverage without first having to start a new benefit period (this waiver will apply only for those beneficiaries who have been delayed or prevented by the emergency itself from commencing or completing the process of ending their current benefit period and renewing their SNF benefits that would have occurred under normal circumstances).</p>	
Pre-Admission Screening and Annual Resident Review (PASARR)	<p>CMS is waiving 42 CFR 483.20(k), allowing nursing homes to admit new residents who have not received Level 1 or Level 2 Preadmission Screening.</p> <p>Level 1 assessments may be performed post-admission.</p> <p>On or before the 30th day of admission, new patients admitted to nursing homes with a mental illness (MI), or intellectual disability (ID) should be referred promptly by the nursing home to State PASARR program for Level 2 Resident Review.</p>	
Director of Food and Nutrition Services	<p>CMS is issuing an 1135 waiver for 42 CFR 483.60(a)(1) and 483.60(a)(2) that requires dietitians hired or contracted with prior to November 28, 2016, to meet the specified requirements no later than 5 years after November 28, 2016 or as required by state law and to designate a person to serve as the director of food and nutrition services who, for designations prior to November 28, 2016, meets the specified requirements no later than 5 years after November 28, 2016, or no later than 1 year after November 28, 2016 for designations after November 28, 2016 for designations after November 28, 2016.</p>	
Physical Environment	<p>Provided that the state has approved the location as one that sufficiently addresses safety and comfort for patients and staff, CMS is waiving requirements under § 483.90 to allow for a non-SNF building to be temporarily certified and available for use by a SNF in the event there are needs for isolation processes for COVID-19 positive residents, which may not be feasible in the</p>	06/06/2022 QSO-22-15-NH

	existing SNF structure to ensure care and services during treatment for COVID-19 are available while protecting other vulnerable adults	
Training and Certification of Nurse Aides	CMS is waiving the requirements at 42 CFR 483.35(d) (except for 42 CFR 483.35(d)(1)(i)), which require that a SNF and NF may not employ anyone for longer than four months unless they met the training and certification requirements under § 483.35(d). CMS is waiving these requirements to assist in potential staffing shortages seen with the COVID-19 pandemic.	06/06/2022 QSO-22-15-NH
In-Service Training	CMS is modifying the nurse aide training requirements at §483.95(g)(1) for SNFs and NFs, which requires the nursing assistant to receive at least 12 hours of in-service training annually. In accordance with section 1135(b)(5) of the Act, we are postponing the deadline for completing this requirement throughout the COVID-19 PHE until the end of the first full quarter after the declaration of the PHE concludes.	06/06/2022 QSO-22-15-NH
Paid Feeding Assistants	CMS is modifying the requirements at 42 CFR §§ 483.60(h)(1)(i) and 483.160(a) regarding required training of paid feeding assistants. Specifically, CMS is modifying the minimum timeframe requirements in these sections, which require this training to be a minimum of 8 hours. CMS is modifying to allow that the training can be a minimum of 1 hour in length. CMS is not waiving any other requirements under 42 CFR §483.60(h) related to paid feeding assistants or the required training content at 42 CFR §483.160(a)(1)-(8), which contains infection control training and other elements. Additionally, CMS is also not waiving or modifying the requirements at 42 CFR §483.60(h)(2)(i), which requires that a feeding assistant must work under the supervision of a registered nurse (RN) or licensed practical nurse (LPN).	06/06/2022 QSO-22-15-NH

EXPIRED Waivers

Staffing Data Submission	CMS is waiving 42 CFR 483.70(q) to provide relief to long-term care facilities on the requirements for submitting staffing data through the payroll-Based Journal system.	06/25/2020
Reporting Minimum Data Set (MDS)	CMS is waiving 42 CFR 483.20 to provide relief to SNFs on the timeframe requirements for Minimum Data Set assessments and transmission.	05/10/2021 QSO-21-17-NH
Resident Roommates and Grouping.	CMS is waiving the requirements in 42 CFR 483.10(e) (5), (6) and (7) solely for the purposes of grouping or cohorting residents with respiratory illness symptoms and/or residents with a confirmed diagnosis of COVID-19 and separating them from residents who are asymptomatic or tested negative for COVID-19.	05/10/2021 QSO-21-17-NH
Resident Transfer and Discharge.	CMS is waiving requirements in 42 CFR 483.10(c)(5); 483.15(c)(3), (c)(4)(ii) to allow a long term care (LTC) facility to	05/10/2021 QSO-21-17

	transfer or discharge residents to another LTC facility solely for the following cohorting purposes: 1. Transferring residents with symptoms of a respiratory infection or confirmed diagnosis of COVID-19 to another facility that agrees to accept each specific resident, and is dedicated to the care of such residents; 2. Transferring residents without symptoms of a respiratory infection or confirmed to not have COVID-19 to another facility that agrees to accept each specific resident, and is dedicated to the care of such residents to prevent them from acquiring COVID-19; or 3. Transferring residents without symptoms of a respiratory infection to another facility that agrees to accept each specific resident to observe for any signs or symptoms of a respiratory infection over 14 days.	
Physician Visits in Skilled Nursing Facilities/Nursing Facilities	CMS is waiving the requirement in 42 CFR 483.30 for physicians and non-physician practitioners to perform in-person visits for nursing home residents and allow visits to be conducted, as appropriate, via telehealth options.	05/07/2022 QSO-22-15-NH
Resident Groups	CMS is waiving the requirements at 42 CFR 483.10(f)(5), which ensure residents can participate in-person in resident groups. This waiver would only permit the facility to restrict in-person meetings during the national emergency given the recommendations of social distancing and limiting gatherings of more than ten people. Refraining from in-person gatherings will help prevent the spread of COVID-19.	05/07/2022 QSO-22-15-NH
Physician Services	<p>CMS is providing relief to long-term care facilities related to provision of physician services through the following actions:</p> <p>Physician Delegation of Tasks in SNFs. This waiver gave physicians the ability to delegate any tasks to a physician assistant, nurse practitioner, or clinical nurse specialist who meets the applicable definition in 42 CFR 491.2 or, in the case of a clinical nurse specialist, is licensed as such by the State and is acting within the scope of practice laws as defined by State law.</p> <p>Physician Visits CMS is waiving the requirement at § 483.30(c)(3) that all required physician visits (not already exempted in § 483.30(c)(4) and (f)) must be made by the physician personally. We are modifying this provision to permit physicians to delegate any required physician visit to a nurse practitioner (NPs), physician assistant, or clinical nurse specialist who is not an employee of the facility, who is working in collaboration with a physician, and who is licensed by the State and performing within the state's scope of practice laws.</p>	05/07/2022 QSO-22-15-NH
Quality Assurance and Performance	CMS is modifying §483.75(b)–(d) and (e)(3) to the extent necessary to narrow the scope of the QAPI program to focus on adverse events and infection control. This will help ensure	05/07/2022 QSO-22-15-NH

Improvement (QAPI)	facilities focus on aspects of care delivery most closely associated with COVID-19 during the PHE.	
Detailed Information Sharing for Discharge Planning for Long-Term Care (LTC) Facilities	CMS is waiving the discharge planning requirement in §483.21(c)(1)(viii), which requires LTC facilities to assist residents and their representatives in selecting a post-acute care provider using data, such as standardized patient assessment data, quality measures and resource use.	05/07/2022 QSO-22-15-NH
Clinical Records	CMS is modifying the requirement at 42 CFR §483.10(g)(2)(ii) which requires long-term care (LTC) facilities to provide a resident a copy of their records within two working days (when requested by the resident). Specifically, CMS is modifying the timeframe requirements to allow LTC facilities ten working days to provide a resident's record rather than two working days.	05/07/2022 QSO-22-15-NH