

## LeadingAge Michigan Safe and Calm Webinar Questions and Answers – June 3, 2020

**What is LeadingAge and LeadingAge National doing to advocate for our facilities regarding CMS's new enforcement policies? We need organized push back on this. Taking away resources from facilities who are already struggling will not be helpful in improving resident care.**

The enforcement remedies were issued on Monday, and LeadingAge Michigan has not acted specifically other than communications with LeadingAge in Washington. LeadingAge has authored a letter to CMS that discusses the negative impact of this new rule. We believe that the impetus for this new enforcement criteria is a combination of the number of nursing home cases and deaths and the findings from infection control surveys. We understand that the impact here could be devastating for some facilities.

**Deanna can you speak to the pros and cons of facility testing or not testing the residents and staff?**

Testing seems to be one of the most important actions that can be taken to understand the actual spread and risk for further spread in residential facilities. CMS has employed it as a major part of the criteria to reopen facilities. Part of the dilemma however, is the potential risk to lose staff for asymptomatic persons who test positive as well as the cost in terms of supplies and staff resources to do the testing. Often there is also a problem with who will pay for ongoing testing. MDHHS seems to be taking one step at a time toward a testing and reopening plan. They have used federal funds to support testing of all nursing homes and residential settings in Michigan, and then will determine how best to address testing issues on an ongoing basis. Whatever the plan, it looks like testing will definitely be part of the nursing home and assisted living reopening plans. And the Department is looking at ways to address the potential staffing issue.

**It sounds like the legislature is responding to the pressures of the news media. Would you say that is true?**

**Asymptomatic Positive Staff Results: can staff continue to work if they receive a positive test result after testing positive**

The CDC has moved away from its preference for a test based strategy to return to work. Use of the symptom/time based strategy should be sufficient to use as a policy. We have heard that some staff have tested positive for many weeks after the isolation period. Facilities should have a written policy addressing this issue that includes input from your medical director if you are a nursing home.

**Sadly the CMPs for low level citations feels like a way to re-coup some CARES Act money they may lose from not getting all the surveys done**

We do not believe that the heavy enforcement rules that were issued this week were intended as a way to take back monies. The public concern in the media over the number of COVID cases and deaths, along with the poor performance of some facilities over time in infection control seem to be the impetus for this change. Currently we are not aware of where the state is in their infection control surveys, but we are trying to get that data.

**Are there any discussions on allowing communal dining with the new stay at home order being lifted?**

The communal dining rules depend on what kind of facility you may have. At this point, nursing homes, adult foster care, homes for the aged, and assisted living all have restrictions for communal dining. Nursing home restrictions were made a bit more flexible in CMS guidance, but technically communal dining is prohibited for all other settings. This topic is part of the discussion for reopening; however it does seem that there are a lot of other elements required before the state/CMS decide that the risk for spread has diminished in residential settings.

**Resource Links**

Nursing Home Bed Need Methodology and Other Updates – see separate attachments

Mandatory Testing for Staff; Resources

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

<https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-employers-can-screen-for-covid-19.aspx>

<https://www.foley.com/en/insights/publications/2020/04/here-comes-mandatory-covid19-testing-employers>

Reporting Requirements for Nursing Homes L-20-32

[https://www.michigan.gov/documents/mdhhs/L\\_20-32\\_691502\\_7.pdf](https://www.michigan.gov/documents/mdhhs/L_20-32_691502_7.pdf)

CDC Update for Non COVID Care

[https://www.cdc.gov/coronavirus/2019-ncov/hcp/framework-non-COVID-care.html?deliveryName=USCDC\\_425-DM29207](https://www.cdc.gov/coronavirus/2019-ncov/hcp/framework-non-COVID-care.html?deliveryName=USCDC_425-DM29207)

CDC Update on Cloth Face Coverings for Public

[https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html?deliveryName=USCDC\\_425-DM29207](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html?deliveryName=USCDC_425-DM29207)

QSO 20-31-NH

<https://www.cms.gov/files/document/qso-20-31-all.pdf>

MI Safe Start Dashboard

<https://www.mistartmap.info>

**Topic:** Implementation Strategies for COVID-19 Surveillance and Early Detection

**Date:** Thursday, June 4, 2020

**Time:** 4:00 – 5:00 PM ET

**Advance Registration Required:** [Register here](#). (Note: Once you register, you will receive an email with your individual web link to join the webcast. The web link you receive will work for only one user. Please forward this email to other team members if you would like them to attend.)

