

Date: August 20, 2020
To: All Nursing Homes, Homes for the Aged and Adult Foster Care Home Providers
From: Salli Pung, State Long Term Care Ombudsman
Re: Long Term Care Ombudsmen Resuming In-person Resident Visits

Due to health concerns related to COVID-19 for residents, facility staff, and ombudsmen, the Michigan Long Term Care Ombudsman Program suspended in-person visits to residents in March 2020. Effective immediately, long term care ombudsmen will resume conducting in-person visits at facilities in accordance with MLTCOP issued guidance (attached).

We can only imagine the tremendous stress you have been under while trying to keep COVID-19 out or minimize the spread of it in your building. We share that goal, and for that reason your ombudsman wishes to coordinate with you prior to an initial in-person visit and during certain phases of the Michigan Safe Start Plan. When contacted by an ombudsman, I request that the administrator or manager promptly respond or delegate someone within your facility to promptly respond to the ombudsman. The purpose of our prior contact is to coordinate and work in accordance with your facility screening protocols.

Precautions

When entering your facility, ombudsmen will comply with your screening protocols, adhere to hand hygiene protocols, maintain physical distance of at least six feet from others, and wear appropriate PPE, at a minimum a surgical face mask. When possible, ombudsmen will also conduct visits outdoors to meet with residents who wish to speak with an ombudsman. Ombudsman will attempt to conduct virtual visits with residents under observation for or suspected or confirmed to be positive for COVID-19.

Ombudsmen are never allowed to visit when ill, are monitoring themselves for COVID-19 symptoms, and are required to follow CDC guidelines regarding when it is safe to discontinue isolation and precautions if the ombudsman has symptoms of COVID-19. Prior to conducting a visit, an ombudsman must complete training, including CDC training on hand hygiene and PPE, CDC training regarding infection control, and National Ombudsman Resource Center training regarding ombudsman visitation during COVID-19 and responding to trauma, grief, and loss related to COVID-19.

Information Requested

A long term care ombudsman will request information from you about the facility's screening protocols and infection control practices. This is to help us understand what precautions are expected by essential service and critical assistance providers. If you have not recently provided resident census and contact information, the ombudsman will request this information from you. The ombudsman will also request contact information for a resident's legal representative (LR) for residents who are incapacitated or who request that the ombudsman speak with the resident's LR. Having contact information allows the ombudsman to communicate through technology and reduce the risk of transmission of COVID-19 to residents and staff of your building. Your cooperation with these requests is appreciated.

Authority

On June 30, 2020, MDHHS issued an [Epidemic Order](#) that exempts ombudsman from visitation restrictions imposed by Executive Order [2020-136](#). These orders are applicable to a wide variety of long term care settings including those in which ombudsman provide advocacy services to residents.

Regarding nursing facilities regulated by the Center for Medicare and Medicaid Services, CMS issued [QSO-20-28-NH Revised](#), which specifies that a certified ombudsman has access to a nursing facility. Specifically, the memo states:

Access to Ombudsman Sections 1819(c)(3)(A) and 1919(c)(3)(A) of the Social Security Act (the Act) and implementing regulations at 42 CFR 483.10(f)(4)(i)(C), require that a Medicare and Medicaid certified nursing home provide representatives of the State Long-Term Care Ombudsman with immediate access to any resident, however during this Public Health Emergency (PHE) in-person access may be restricted. If in-person access is not advisable due to infection control concerns and transmission of COVID-19, facilities must facilitate resident communication (e.g., by phone or through use of other technology) with the ombudsman.

Additionally, through this memo, CMS is ensuring nursing homes and other stakeholders are aware of the implementation of the recent CARES Act which states State Long-Term Care Ombudsman shall have continued direct access (or other access through the use of technology) to residents of long term care facilities during any portion of the public health emergency relating to coronavirus until September 30, 2020. The [CARES Act](#) does not repeal or amend CMS requirements under sections 1819 or 1919 of the Act or implementing regulations. Nor does it place a time limit or expiration date (e.g., until September 30, 2020) on the CMS requirements providing for resident access to the Ombudsman program, but instead affirms that the current pandemic requires the

Ombudsman program and long term care facilities to support resident access and communication in a variety of methods. For additional information regarding resident access to the Ombudsman please see [Frequently Asked Questions on Nursing Home Visitation](#)

Questions

If you have questions pertaining to this memo, contact the Michigan Long Term Care Ombudsman Program office at MLTCOP@meji.org.

We thank you for your cooperation and continued support of residents as long term care ombudsmen carefully resume safe in-person visits.