

Facts and Considerations on New CMS Requirement for COVID-19 Reporting by Nursing Homes

Facts

- Beginning May 8, 2020 nursing homes are required to electronically report weekly on standardized information related to COVID-19 to CDC's National Healthcare Safety Network (NHSN).
- This is based on a new federal requirement established by CMS under § 483.80 Infection Control.
- Required information that nursing homes must report to NHSN includes:
 - Suspected and confirmed COVID-19 infections among residents and staff, including residents previously treated for COVID-19;
 - Total deaths and COVID-19 deaths among residents and staff;
 - Personal protective equipment and hand hygiene supplies in the facility;
 - Ventilator capacity and supplies in the facility;
 - Resident beds and census;
 - Access to COVID-19 testing while the resident is in the facility;
 - Staffing shortages
- Data must be reported at least weekly but can be reported more often including up to daily.
- Failure to report data will result in a civil monetary penalty of at least \$1,000 per day (after grace period [until May 24] expires).
- This information will be posted publicly by CMS to "support protecting the health and safety of residents, personnel, and the general public." CMS is targeting initial posting of this data at end of May 2020.
- Nursing homes must also notify residents, their representatives and families by 5 p.m. the next calendar day either when there's a single confirmed infection of COVID-19, or three or more residents or staff with new-onset of respiratory symptoms occurring within 72 hours of each other.

Considerations

- This will be a learning curve for all nursing homes to learn, understand, implement, monitor and maintain processes to support this new reporting requirement from CMS.
 - This is the first-time nursing homes are required to report to NHSN.
 - The NHSN COVID-19 module was just developed in a matter of weeks in April 2020 by CDC, thus nursing homes are starting from scratch.
- The typical process to enroll in NHSN is intense and time-consuming. CDC adjusted this process to allow an expedited enrollment.
- Despite efforts for an expedited enrollment process, the task of getting more than 15,000 nursing homes enrolled virtually overnight has overwhelmed CDC's system.
 - Many nursing homes are being told it will take 5-7 days, sometimes longer, to complete their registration.
 - In the first week when reports were due (May 8), only 4,000 nursing homes were successfully enrolled despite many trying since its launch on April 25.

- CMS issued the interim final rule for this new requirement on May 1 and expected all 15,000 nursing homes to input their first week of reports by May 8, despite these technical issues.
- Still as of May 11, one-third of nursing homes are not yet enrolled, four days into the requirements taking effect.
- We ask that CMS be sensitive to the time and resources that nursing homes will now be required to devote to implementing new data collection processes and tracking systems to support this new requirement, in addition to any state reporting requirements.

Talking Points

- We support transparency to our stakeholders but not duplication of efforts. Nursing homes were and are already reporting similar information to local and state health departments per pre-existing requirements.
 - Nursing homes will now have to report similar information to local, state, and federal systems. Each have different formats, timeframes and definitions. This makes the data not comparable and confusing.
 - A better solution would have been to improve how state health departments share data with the federal government, rather than implementing an entirely new reporting system for nursing homes in the midst of a pandemic.
- Sadly, these new federal requirements prioritize paperwork at a time when staff are already stretched thin fighting COVID-19. The additional resources nursing homes will have to devote to meet this new requirement takes staff away from the critical care they should be providing to residents.
- Nonetheless, we hope this public reporting system will illustrate the urgent need to support long term care right now. We call on the federal government to use the data to help identify where to send urgently needed resources.
 - Knowledge is pivotal during a pandemic and our public health officials need to know where to send urgently needed resources.
- We will not beat this virus if public health officials continue to penalize nursing homes for outbreaks that are beyond their control due to a virus we still don't fully understand and a systematic failure to prioritize long term care for resources. This is a time when we all must come and work together to support these facilities with proper testing, supplies, staffing and funding.
- We understand that frequent communication is important to loved ones.
 - Families should work together and with the facility to identify a single point of contact to receive updates about their loved one in the facility.
- As nursing homes nationwide fulfill these federal requirements, the number of cases of COVID-19 associated to our centers will likely rise. While an increase in these numbers may be startling, it will improve our ability to confront this threat and protect our residents.
- Rather than being discouraged by more known cases, we hope this will serve as a rallying cry to federal, state and local health officials to prioritize our long term care providers with additional testing, personal protective equipment, staffing and funding to address this crisis.