

Temporary Waivers for Long-Term Care Facilities During COVID-19 Crisis

PUBLISHED ON

April 3, 2020

The Centers for Medicare and Medicaid Services (CMS) has issued numerous temporary waivers for long-term care facilities during the COVID-19 crisis:

- Facilities may use buildings for skilled nursing that are not certified if isolation of COVID-19 patients is necessary, subject to state approval.
- Facilities may relocate residents within the facility, or transfer a resident to another facility if necessary to isolate residents with the COVID-19 virus.
- The three-day prior hospitalization requirement for coverage of a skilled nursing facility stay is waived.
- CMS is allowing facilities to suspend new resident assessments, and to extend the timeframes of minimum data assessments.
- Facilities may delay training of nursing staff, provided that they can demonstrate the competency of their staff.
- Facilities are permitted to restrict in-person resident groups and meetings while social-distancing rules are in effect.
- CMS is waiving the requirement that physicians and practitioners must see residents in-person, and is permitting telehealth visits.

In separate guidance, CMS is allowing facilities to restrict visitation. That would include all regular visitors and non-essential personnel, except for certain compassionate care situations, such as an end-of-life situation.

The goals of these relaxed standards are to keep residents out of the hospital to ensure that hospitals can handle the potential surge of COVID-19 patients; to remove barriers for physicians, nurses and other clinicians to treat residents in a skilled nursing setting; and to alleviate the administrative burden on facilities during the health crisis to allow them to focus primarily on protecting their residents from the spread of COVID-19.

If you have any questions on this new guidance or any questions about the impact of COVID-19 on your senior living facility, please [contact me](#) or any member of the [Barley Snyder Senior Living Industry Group](#).

DISCLAIMER: As we face an unprecedented time of legal and business uncertainty, we are working to provide updates on the status of important legal news related to COVID-19. It is important to note that the situation is changing rapidly and the information provided in our alerts is not intended to create an attorney-client relationship. The information contained in our alerts is for general informational purposes only and should not be construed as legal advice or a substitute for legal counsel. If you have questions about

your legal situation or about how to apply information contained in this alert to your situation or about how any other information found on our website may affect your business, you should reach out to one of our attorneys. We assume no responsibility for the accuracy or timeliness of any information provided herein or by any linked site. As information changes rapidly, users are strongly advised to verify any information before relying upon it.

WRITTEN BY:



Christopher J. Churchill

Partner

Tel: (717) 399-1571

Email: cchurchill@barley.com