

Comparison: Trump Administration Actions and Commission Recommendations

On September 16, 2020, CMS received the final report and recommendations from the Coronavirus Commission on Safety and Quality in Nursing Homes (the Commission). The Commission conducted an independent review and comprehensive assessment of the nursing home response to the COVID-19 pandemic in order to identify opportunities for improvement and inform immediate and future action. There are 27 principal recommendations that fall under 10 central themes (below).

As noted in the Commission’s recommendations, they focused on the following themes: long-term care financing and accountability, facility design, workforce, governance/management, technology, and data. A reoccurring topic across all of the recommendations is the need for funding to ensure nursing home staff have access to proper personal protective equipment (PPE), other critical supplies and the need for collaboration across federal partners on training/communications focused on infection control.

Theme 1: Testing and Screening

Commission Recommendation(s)	Administration Action(s) Addressing Recommendation
<ul style="list-style-type: none"> • Coordinate with Federal, state, local, territorial, and tribal (SLTT) partners to immediately develop and execute a national strategy for testing and delivering rapid turnaround of results (i.e. results in less than 24 hours) in nursing homes, in combination with CDC recommended screening protocols. Allow nursing home operators and managers to tailor the strategy based on community prevalence and resources availability in partnership with federal and SLTT authorities. 	<ul style="list-style-type: none"> • Released guidance on April 2, 2020 that focused on COVID-19 in Long-term Care Facilities and called on State and Local leaders to work together with facilities to help determine and address needs for COVID-19 testing. • Announced that Medicare would cover COVID-19 testing when furnished to eligible beneficiaries by certified laboratories. The laboratories could also choose to enter long-term care facilities to conduct COVID-19 testing. • Released recommendations on May 18, 2020 for safely reopening nursing homes that encouraged State and Local leaders to collaborate with State Survey Agencies to determine how the reopening criteria would be implemented within facilities, which included a baseline test of all residents and weekly testing of all staff. • Provided point-of-care (POC) testing devices and test kits to all Medicare and Medicaid certified nursing homes that received a Clinical Lab Improvement Amendments (CLIA) waiver to conduct

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	<p>low-complexity testing in July-September 2020 as POC machines became available.</p> <ul style="list-style-type: none"> • Released a Frequently Asked Questions document on August 8, 2020 on COVID-19 testing in skilled nursing facilities and nursing facilities to provide guidance and education on the point-of-care testing devices, including deployment timeframes, safety precautions, reporting of results, CLIA certification, etc. • Published an Interim Final Rule with Comment Period on August 25, 2020, (displayed on August 27) which revised infection control regulations for long-term care facilities to require mandatory testing for all staff triggered by the percentage of positivity at the county level. • Provided \$5 billion in Provider Relief Funds to nursing homes, \$2.5 billion of which is in part for testing supplies.

Theme 2: Equipment and PPE

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<ul style="list-style-type: none"> • Take responsibility for a collaborative process with federal and SLTT partners to ensure nursing home operators and managers can procure and sustain a three-month supply of high-quality supplies of PPE. This process must provide accountability and oversight. 	<ul style="list-style-type: none"> • On April 30, 2020, FEMA provided shipments of 14-day supply of PPE to Medicare and Medicaid certified nursing homes informed by data provided by CMS. Since that point, the following was provided to nursing homes: <ul style="list-style-type: none"> ○ Goggles (each): 1.2 Million ○ Face Shields (each): 643,000 ○ Surgical Masks (each): 13.9 Million ○ Gloves (pairs): 62.9 Million ○ Gowns (each): 12.7 Million ○ N95 Respirators (each): 1.56 Million • In August, 2020, began shipments of N95 masks to nursing homes who had reported shortages.

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	<ul style="list-style-type: none"> • Launched the national “CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management” on August 25, 2020 to provide tailored education that incorporates the most recent lessons learned from nursing homes and teaches frontline staff and management best practices that they can implement to address issues related to COVID-19. • Provided \$5 billion in Provider Relief Funds to nursing homes, \$2.5 billion of which is in part for testing supplies.
<ul style="list-style-type: none"> • Work with federal partners, including CDC and FDA, to provide specific guidance on the use, decontamination, and optimization of PPE. 	<ul style="list-style-type: none"> • Released guidance on March 10, 2020 regarding the proper use of PPE by healthcare personnel based on Centers for Disease Control and Prevention (CDC) recommendations. • Included specific modules on hand hygiene and PPE as a part of the CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management launched on August 25, 2020.
<ul style="list-style-type: none"> • As needed, collaborate with other federal and state agencies to provide guidance or training to all clinical and nonclinical facility staff on proper use of PPE and equipment, according to manufacturer specifications, where available. 	<ul style="list-style-type: none"> • Released guidance on February 6, 2020 urging all healthcare facilities to prepare for the onset of COVID-19, which included the recommendation that facilities review the appropriate use of PPE and review availability of products, including gloves, gowns, respirators, and eye protection. The guidance also noted that Medicare participating facilities should have PPE measures and protocols within their emergency plans. • Released guidance on April 2, 2020 that encouraged Long-term Care Facilities to ensure that all staff were using PPE appropriately when interacting with patients and residents and optimizing PPE when necessary, in accordance with CDC guidelines.

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	<ul style="list-style-type: none"> • Conducted nearly 27,000 focused infection control surveys of Medicare and Medicaid certified nursing homes nationwide as of September 16, 2020, reviewing proper use of PPE and other infection control standards. • As part of the Nursing Home Training series, conducted a webinar training on June 25, 2020, “PPE Strategies for COVID Care”. Training is available 24/7 on qioprogram.org. • Launched the national “CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management” on August 25, 2020 which includes specific modules on hand hygiene and PPE.

Theme 3: Cohorting

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<ul style="list-style-type: none"> • Update cohorting guidance to balance resident and staff psychological safety and well-being with infection prevention and control. 	<ul style="list-style-type: none"> • Included specific modules on cohorting as well as on addressing the emotional health of residents and staff as a part of the CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management training launched on August 25, 2020.
<ul style="list-style-type: none"> • Update cohorting guidance to address differences in nursing home resources for cohorting. 	<ul style="list-style-type: none"> • Released guidance on April 2, 2020 that outlined actions facilities should take to prevent the transmission of COVID-19, which included separating residents based on COVID-19 status. • Provided regulatory 1135 waiver allowing COVID-19 only facilities. • Waived the requirements related to resident roommates and grouping to allow long-term care facilities and nursing homes to cohort residents with respiratory illness symptoms and/or residents with a confirmed diagnosis of COVID-19, and

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	<p>separating them from those who are asymptomatic or tested negative for the virus.</p> <ul style="list-style-type: none"> • Waived the requirements for resident transfer and discharge to allow Long-term Care facilities to transfer or discharge residents to another Long-Term Care facility solely for the purposes of cohorting. • Released guidance on April 13, 2020 that provided supplemental information for transferring or discharging residents between facilities for the purpose of cohorting residents based on COVID-19 status. • Conducted nearly 27,000 focused infection control surveys that identified quality concerns related to the proper cohorting and staffing of COVID-19 dedicated areas. • As part of the CMS-CDC Fundamentals of COVID-19 Prevention for Nursing Home Management training series, conducted a webinar training on August 20, 2020, “Cohorting Strategies.” This training is available 24/7 on qioprogram.org.

Theme 4: Visitation

Commission Recommendation(s)	Administration Action(s) Addressing Recommendation
<ul style="list-style-type: none"> • Emphasize that visitation is a vital resident right. Update and release consolidated, evidence-based guidance on safely increasing controlled, in-person visitation prior to Phase 3 reopening. 	<ul style="list-style-type: none"> • Released visitation guidance on May 18, 2020, as part of the recommendations for state and local officials that details critical steps nursing homes and communities should take prior to relaxing restrictions implemented to prevent the spread of COVID-19, including infection prevention and control, adequate testing, and surveillance.

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	<ul style="list-style-type: none"> Published a Frequently Asked Questions document on June 24, 2020 on visitation considerations for nursing home residents to help facilities carefully consider all factors and safely reopen. New guidance emphasizing visitation rights and flexibilities is being developed. (<i>Forthcoming – In Progress</i>)
<ul style="list-style-type: none"> Update and release consolidated, evidence-based guidance on effectively planning for and implementing virtual visitation tools and techniques. 	<ul style="list-style-type: none"> Allowed the usage of Civil Money Penalty (CMP) funds for programs to purchase non-in-person visitation equipment such as iPads or other two way audio-visual communication technology. This is being expanded to allow the purchase of tents and other items to facilitate outdoor, in-person visitation. Launched the national “CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management” on August 25, 2020 to provide tailored education that incorporates the most recent lessons learned from nursing homes and teaches frontline staff and management best practices that they can implement to address issues related to COVID-19. New guidance emphasizing visitation rights and flexibilities is being developed. (<i>Forthcoming – In Progress</i>)
<ul style="list-style-type: none"> Provide resources to help nursing home operators and managers assess and improve the mental health and psychosocial well-being of residents during and after the pandemic. 	<ul style="list-style-type: none"> CMS published a special issue of the Medicare Learning Network Booklet on mental health benefits and resources for all Medicare Beneficiaries in January 2020 and will have future editions. See https://www.cms.gov/files/document/medicare-mental-health-mln1986542.pdf Included specific modules on addressing the emotional health of residents and staff as a part of the national CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management training launched on August 25, 2020.

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	<ul style="list-style-type: none"> Recognizing that physical separation from family and other loved ones has taken a toll on residents leading to increased risk for depression and other expressions of distress, CMS is developing new guidance that emphasizes visitation rights and flexibilities that expands upon earlier visitation guidance. (<i>Forthcoming – In Progress</i>)
<ul style="list-style-type: none"> Assess, streamline, and increase the accessibility of COVID-19-related directives, guidance, and resources on visitation into a single source. 	<ul style="list-style-type: none"> Released updated guidance and FAQs on March 13, 2020 regarding screening of visitors. Incorporated visitor entry protocols into COVID-19 survey tool. Released guidance in early September 2020 with new and updated Guidance for Visitation. (<i>Forthcoming – In Progress</i>)

Theme 5: Communication

Commission Recommendation(s)	Administration Action(s) Addressing Recommendation
<ul style="list-style-type: none"> Increase specificity and expand breadth of guidance on communications between nursing homes, residents, and families. 	<ul style="list-style-type: none"> Sponsored weekly calls with nursing home staff and management as well as resident advocates/representatives. Quality Improvement Organizations (QIOs) are facilitating and supporting local networks and communications between nursing homes in the community, to share resources and best practices. The QIOs conduct state-based and local peer learning forums, and Learning and Action Networks (LAN) to have nursing homes that are successful at managing outbreaks share best practices with those who are not. As part of the CMS-CDC Fundamentals of COVID-19 Prevention for Nursing Home Management training series, CMS supported the communication between residents, families and nursing home staff

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	<p>by educating nursing homes on a webinar training on August 13, 2020, “Transparency: Resident and Family Notification”. This training is available 24/7 on qioprogram.org.</p> <ul style="list-style-type: none"> Allowed use of CMP funds and Provider Relief Funds to purchase technology for virtual visits and barriers for in-person visits.

Theme 6: Workforce Ecosystem: Stopgaps for Resident Safety

Commission Recommendation(s)	Administration Action(s) Addressing Recommendation
<ul style="list-style-type: none"> Mobilize resources to support a fatigued nursing home workforce and assess minimum care standards. 	<ul style="list-style-type: none"> Developed a nursing home staffing retention toolkit in 2019. Provided \$5 billion in Provider Relief Funding to nursing homes in part for staffing.
<ul style="list-style-type: none"> Provide equity-oriented guidance that allows nursing home workforce members to safely continue to work in multiple nursing homes while adhering to infection prevention and control practices. 	<ul style="list-style-type: none"> Targeted frontline professionals across all disciplines as a part of CMS’ COVID-19 Stakeholder Calls series to share best practices and a receive updates as it relates to Nursing Homes. Additionally, CMS publishes a biweekly toolkit which also shares best practices across disciplines.
<ul style="list-style-type: none"> Support 24/7 Registered Nurse (RN) staffing resources at nursing homes in the event of a positive SARS-CoV-2 test within that facility. 	<ul style="list-style-type: none"> Provided \$5 billion in Provider Relief Funding to nursing homes in part for staffing. With CDC, developed guidelines to address potential staffing shortfalls. FEMA provided staffing support in facilities that made the request.
<ul style="list-style-type: none"> Identify and immediately leverage certified infection preventionists to support nursing homes’ infection prevention needs. 	<ul style="list-style-type: none"> Encouraged collaboration between nursing homes and hospitals to help with infection prevention best practices.

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<ul style="list-style-type: none"> Require nursing homes operators and managers to employ infection preventionist(s) with educator duties. 	<ul style="list-style-type: none"> Mandated that all nursing homes have at least a part-time infection preventionist under 42 CFR 483.80 – and proposed to upgrade that to a “sufficient time” infection preventionist, to ensure that larger nursing homes have necessary staff on hand. Developed a nursing home staffing retention toolkit in 2019. With CDC, developed and released nursing home infection preventionist training course.

Theme 7: Workforce System: Strategic Reinforcement

Commission Recommendation(s)	Administration Action(s) Addressing Recommendation
<ul style="list-style-type: none"> Catalyze interest in the Certified Nursing Assistants (CNA) profession through diverse recruitment vehicles; issue guidance for on-the-job CNA training, testing, and certification; and create a national CNA registry. 	<ul style="list-style-type: none"> Announced a total of \$21 billion in Provider Relief Funding for nursing homes since the onset of the pandemic.
<ul style="list-style-type: none"> Professionalize infection prevention positions in nursing homes by updating regulations at 42 CFR § 483.80 so more fully qualified infection preventionists are available to serve in nursing homes. 	<ul style="list-style-type: none"> CMS intends to address this recommendation in future rulemaking.
<ul style="list-style-type: none"> Work with federal, state, local, tribal, territorial, other public, private, and academic partners to catalyze overhaul of workforce ecosystem. 	<ul style="list-style-type: none"> Part of the CMS long-term strategy for nursing homes.
<ul style="list-style-type: none"> Convene a Long-Term Care (LTC) Workforce Commission to assess, advise on, and provide independent oversight for modernization of workforce ecosystem. 	<ul style="list-style-type: none"> Part of the CMS long-term strategy for nursing homes. CMS anticipates seeking input on the best approach for convening this type of Commission.

Theme 8: Technical Assistance and Quality Improvement

Commission Recommendation(s)	Administration Action(s) Addressing Recommendation
<ul style="list-style-type: none"> Identify and work to achieve funding mechanisms for –or reprioritize activities of –technical assistance and other contractors to increase the availability of collaborative, on-site, data-driven support prior to, during, and after a public health emergency. 	<ul style="list-style-type: none"> Deployed the Quality Improvement Organizations (QIOs) to over 1,500 nursing homes since March 2020 to provide direct technical assistance to facility management and staff and ensure proper infection control protocol was being implemented. These nursing homes were identified for immediate technical assistance based on review of their survey finds and National Healthcare Safety Network (NHSN) data. Expanded QIO outreach and assistance on July 10, 2020 to nursing homes in hotspot areas. QIOs continue to provide technical assistance regarding infection control protocols to nursing homes nationwide, including over 9,000 small, rural nursing homes and those serving vulnerable populations in areas where access to care is limited. Launched weekly national training in partnership with the CDC in May 2020. Launched the national “CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management” on August 25, 2020 to provide tailored education that incorporates the most recent lessons learned from nursing homes and teaches frontline staff and management best practices that they can implement to address issues related to COVID-19. Deployed federal task force strike teams for onsite technical assistance and education to nursing homes experiencing COVID-19 outbreaks In April 2020, CMS began biweekly releases of a Toolkit on State Actions to Mitigate COVID-19 Prevalence in Nursing Homes. CMS and CDC have made subject matter experts available on bi-weekly webinars from August 27, 2020, through January 7,

	<p>2021, from 4:00 – 5:00 p.m. ET, to answer questions. Registration is required for these Question & Answer sessions. Participants can register on the Zoom webinar registration page.</p>
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Theme 9: Facilities

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<ul style="list-style-type: none"> Identify and share with nursing home operators and managers short-term facility design enhancements to address immediate pandemic-related risks that can be implemented at minimal cost. 	<ul style="list-style-type: none"> Released guidance on April 2, 2020 that outlined an approach facilities should take to work with State and Local leaders to designate separate facilities or units within a facility to separate COVID-19 negative residents from COVID-19 positive residents and individuals with unknown COVID-19 status in order to reduce/avoid transmission. Launched the national “CMS Targeted COVID-19 Training for Frontline Nursing Home Staff & Management” on August 25, 2020 to provide tailored education that incorporates the most recent lessons learned from nursing homes and teaches frontline staff and management best practices that they can implement to address issues related to COVID-19.
<ul style="list-style-type: none"> Establish a collaborative national forum to identify and share best practices and recommendations; facilitate real-time learning on how to best use existing physical spaces. 	<ul style="list-style-type: none"> Released guidance on April 2, 2020 that outlined an approach facilities should take to work with State and Local leaders to designate separate facilities or units within a facility to separate COVID-19 negative residents from COVID-19 positive residents and individuals with unknown COVID-19 status in order to reduce/avoid transmission. Conducted local and state-based forums through the Quality Improvement Organizations (QIOs) to engage providers in sharing best practices and lessons learned.

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	<ul style="list-style-type: none"> Published the Toolkit on State Actions to Mitigate COVID-19 Prevalence in Nursing Homes on a bi-weekly cadence.
<ul style="list-style-type: none"> Collaboratively establish long-term priorities and seek appropriate funding streams for nursing home operators and managers to redesign and/or strengthen facilities against infectious diseases. 	<ul style="list-style-type: none"> Announced a total of \$21 billion in Provider Relief Funding for nursing homes since the onset of the pandemic.

Theme 10: Nursing Home Data

Commission Recommendation(s)	Administration Action(s) Addressing Recommendation
<ul style="list-style-type: none"> Standardize COVID-19 data elements, improve data collection, and identify supportive actions that CMS and federal partners will take in response to key COVID-19 indicators based on nursing home-reported data. 	<ul style="list-style-type: none"> CMS sends weekly nursing home outbreak information to States, which they may use to decide whether an onsite infection control survey is necessary. Required nursing homes as a part of CMS’s second Interim Final Rule with Comment to report detailed case, death, and supplies information to CDC through the National Healthcare Safety Network (NHSN). Provided additional guidance on May 6, 2020 outlining reporting requirements, enforcement, and transparency of posting data. Published NHSN data weekly on Nursing Home Compare. Established the COVID-19 Nursing Home Data website, which provides access to the COVID-19 Public File containing data reported by nursing homes to the NHSN.
<ul style="list-style-type: none"> Create an easy-to-use, intuitive, and interactive technical infrastructure for nursing home operators and managers that streamlines the process of data reporting and consolidates dissemination of essential policy guidance, information about updated regulations, and other communications. 	<ul style="list-style-type: none"> CMS is in the process of designing a new more intuitive and interactive website to help patients, providers, nursing home operators and managers, etc., access critical information more easily. (<i>Forthcoming – In Progress</i>) CMS is in the process of developing a comprehensive document that includes all pertinent guidance specific to nursing

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	<p>homes released over the duration of the COVID-19 public health emergency. <i>(Forthcoming – In Progress.)</i></p>
<ul style="list-style-type: none"> • Enhance health information technology (HIT) interoperability to facilitate better communication, improve quality measurement standards, and coordinate integration of nursing home data with data from other health organizations. 	<ul style="list-style-type: none"> • Required nursing homes as a part of CMS’s second Interim Final Rule with Comment to report detailed case, death, and supplies information to CDC through the NHSN. Provided additional guidance on May 6, 2020 outlining reporting requirements, enforcement, and transparency of posting data. • Published NHSN data weekly on Nursing Home Compare. • Provided data to all state governors to help them assess and target assistance to nursing homes for items such as PPE and testing. • Established the COVID-19 Nursing Home Data website, which provides access to the COVID-19 Public File containing data reported by nursing homes to the NHSN. • As part of the CMS-CDC Fundamentals of COVID-19 Prevention for Nursing Home Management training series, conducted a webinar training on August 6, 2020, “COVID Surveillance to Enable Early Detection and Response to Outbreaks and NHSN Mandatory Data Collection”. This training is available 24/7 on qioprogram.org.