

CMS Issues Guidance for Healthcare Providers Grappling with COVID-19

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As COVID-19 continues to spread, CMS has issued guidance to various healthcare providers, including, among others, home health agencies, nursing homes, and hospitals that are caring for the nation's most at-risk patient populations. The guidance is intended to curb transmission and ensure healthcare providers have the information and resources necessary to respond to patient needs.

Nursing Homes

On March 13, 2020, CMS issued updated guidance for nursing homes in light of the COVID-19 pandemic. That guidance, which aims to prevent or limit the transmission of COVID-19 within nursing homes by focusing on increased sanitization procedures, social distancing, and restrictions on visitors, can be found [here](#). The guidance contains the following recommendations, among others:

- Facilities are advised to restrict visitors and non-essential health personnel except in end-of-life situations;
- Facilities should follow CDC guidelines with respect to the entry of other healthcare workers providing care to residents, including EMS personnel and dialysis technicians;
- Facilities should cancel communal dining and all group activities, implement social distancing, and remind residents to perform frequent hand hygiene;
- Facilities should screen all staff at the beginning of their shifts for fever and respiratory symptoms, focusing on staff who work at multiple facilities. Staff who are ill are to be provided with a mask and then sent home to self-isolate;
- For those allowed in the facility, the facility should provide strict instructions in line with CDC recommendations;
- Facilities should review and revise how they interact with vendors and other third parties;
- Facilities should ask those who enter the facility to monitor for symptoms for 14 days following entry and notify the facility if symptoms occur.

The guidance also provides recommendations for facilities regarding what to do if a resident has a suspected or confirmed case of COVID-19 and accepting a resident who was previously diagnosed with COVID-19. The current recommendation is to admit any individuals the facility would have normally admitted, including those with a previously-diagnosed case of COVID-19, with specific instructions.

Home Health Agencies

On March 10, 2020, CMS issued guidance to home health agencies (“HHAs”) confronting the COVID-19 pandemic. That guidance, which can be found [here](#), aims to help home health agencies address potential and confirmed cases and mitigate transmission through screening, treatment, and transfer to higher level care (when appropriate). The guidance contains the following recommendations, among others:

- HHAs should identify patients at risk for COVID-19 before or immediately upon arrival to the home by asking about international travel within the last 14 days, signs or symptoms of respiratory illness, recent contact with COVID-19 patients or patients ill with respiratory symptoms, and whether the patient has been residing in a community where community-based spread of COVID-19 is occurring.
- HHAs should implement source control measures for ill patients (such as placing a facemask over the patient's nose and mouth);
- HHA staff with signs or symptoms of a respiratory illness should not work, and those who become ill on the job should stop, immediately put on a face mask, self-isolate at home, and follow appropriate CDC guidelines.

CMS also provided guidance to HHAs as to when COVID-19 patients could be treated at home and when such patients receiving HHA services are considered safe to transfer to a hospital. CMS also addressed Medicare HHA discharge planning requirements for COVID-19 patients, as well as recommended infection prevention and control practices, including those for family members, when evaluating or caring for COVID-19 patients.

Hospitals

CMS continues to release guidance for hospitals and emergency departments. Specific guidance can be found [here](#) and [here](#), but the CMS newsroom continues to be updated.

Much of the guidance focuses on screening procedures and recommendations for infection prevention and control. Guidance released on March 18, 2020 focuses on conservation of critical resources. CMS recommends that hospitals limit non-essential adult elective surgery and medical and surgical procedures, including all dental procedures. The following factors should be considered as to whether a planned surgery or other medical activity should proceed:

- Current and projected COVID-19 cases in the facility and region;
- Supply of personal protective equipment to the facilities in the system;
- Staffing availability;
- Bed availability, especially intensive care unit (ICU) beds;
- Ventilator availability;
- Health and age of the patient, especially given the risks of concurrent COVID-19 infection during recovery;
- Urgency of the procedure.

Given the evolving COVID-19 pandemic, we expect that CMS will continue to issue guidance and recommendations and update existing guidance and recommendations. All CMS guidance is regularly posted on CMS's website [here](#).