



Oregon

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TO: Nursing Facilities Providers

FROM: Safety, Oversight, and Quality

COVID-19 CMS Emergency Declaration Blanket Waivers for Health care Providers Centers

Dear Nursing Facility Providers:

The Centers for Medicare and Medicaid Services (CMS) has proactively taken steps under the 1135 Waiver process to temporarily waive certain nursing facility federal regulations in order to support aggressive efforts against COVID-19. The purpose of this alert is to provide a summary of the requirements that have been waived by CMS. **This alert is being provided as a summary only. Facilities are responsible for reading all information outlined in the document released by CMS titled [COVID-19 Emergency Declaration Blanket Waivers for Health care Providers](#).**

3-Day Prior Hospitalization. CMS is waiving the requirement for a 3-day prior hospitalization for coverage of a skilled nursing facility (SNF) stay, which provides temporary emergency coverage of SNF services without a qualifying hospital stay, for those people who experience dislocations, or are otherwise affected by COVID-19.

Reporting Minimum Data Set. CMS is waiving 42 CFR 483.20 to provide relief to SNFs on the timeframe requirements for Minimum Data Set assessments and transmission.

Staffing Data Submission. CMS is waiving 42 CFR 483.70(q) to provide relief to long-term care facilities on the requirements for submitting staffing data through the Payroll-Based Journal system.

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Waive Pre-Admission Screening and Annual Resident Review (PASARR). CMS is waiving 42 CFR 483.20(k) allowing states and nursing homes to suspend these assessments for new residents for 30 days.

Physical Environment. CMS is waiving requirements related at 42 CFR 483.90, to temporarily allow for rooms in a long-term care facility not normally used as a resident's room, to be used to accommodate beds and residents for resident care in emergencies and situations needed to help with surge capacity.

Resident Groups. CMS is waiving the requirements at 42 CFR 483.10(f)(5), which ensure residents can participate in-person in resident groups.

Training and Certification of Nurse Aides. CMS is waiving a portion of the requirements at 42 CFR 483.35(d) to allow facilities to use any individual working in the facility as a nurse aide for more than 4 months, on a full-time basis, as long as the individual is trained and competent in providing nursing and nursing related services.

Note: CMS is not waiving § 483.35(c) or § 483.35(d)(1)(i), which require facilities to ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.

Physician Visits in Skilled Nursing Facilities/Nursing Facilities. CMS is waiving the requirement in 42 CFR 483.30 for physicians and non-physician practitioners to perform in-person visits for nursing home residents and allow visits to be conducted, as appropriate, via telehealth options.

Resident Transfer and Discharge. CMS is waiving requirements in 42 CFR 483.10(c)(5); 483.15(c)(3), (c)(4)(ii), (c)(5)(i) and (iv), (c)(9), and (d); and § 483.21(a)(1)(i), (a)(2)(i), and (b) (2)(i) (with some exceptions) to allow a long term care (LTC) facility to transfer or discharge residents to another LTC facility solely for the following cohorting purposes:

1. Transferring residents with symptoms of a respiratory infection or confirmed diagnosis of COVID-19 to another facility that agrees to

accept each specific resident, and is dedicated to the care of such residents;

2. Transferring residents without symptoms of a respiratory infection or confirmed to not have COVID-19 to another facility that agrees to accept each specific resident, and is dedicated to the care of such residents to prevent them from acquiring COVID-19; or
3. Transferring residents without symptoms of a respiratory infection to another facility that agrees to accept each specific resident to observe for any signs or symptoms of a respiratory infection over 14 days.

Note: There are exceptions to these waivers outlined in the CMS document.

These waivers DO NOT require a request to be sent to the CMS Regional Office or that notification be made to any of CMS's regional offices.

For more information on Coronavirus Waivers and Flexibilities, please visit [CMS's website](#) at:

<https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>

If you are a nursing facility provider and have questions about this alert, please contact the Nursing Facility Licensing Unit at: NFLicensing@state.or.us

For general information about the DHS Office of Safety, Oversight and Quality, visit the DHS Web site at www.oregon.gov/DHS/.