



## State Requirements and Guidance for Creating COVID-19 LTCFs

### Purpose

These requirements and guidance, prepared jointly by the Indiana State Department of Health (ISDH) and the Indiana Family and Social Services Administration (FSSA), are to facilitate the creation of dedicated COVID-19 long-term care and skilled nursing facilities for the protection of our Hoosier residents and healthcare workers.

### Background

In response to the novel coronavirus pandemic, the Centers for Medicare & Medicaid Services (CMS) has waived numerous regulations to give long-term care facilities (LTCFs) the flexibility to expand care areas and staff. This has been done to allow LTCFs to be able to care for COVID-19 patients within the facilities. This includes the creation of whole new wings, floors and units dedicated to COVID-19. These guidelines would also allow for the creation of dedicated COVID-19 facilities. There are proposed benefits to creating these:

- Conservation of PPE
- Facility expertise
- Provide facilities/spaces for workers with COVID-19 to continue working
- Allow rapid transitions of patients requiring skilled nursing out of hospitals

The State obtained a [federal waiver](#) early on to encourage and empower LTCFs to act swiftly in pursuing resident and healthcare worker protection.

On April 2, CMS issued [guidance](#) for LTCFs recommending they partner with state and local community leaders to identify and create COVID-19 designated facilities. Such facilities have opened, or plan to open, in [Massachusetts](#) and [Connecticut](#). Their focus and ours is on helping hospitals with surge management and facilitating the transfer of residents from other nursing homes with difficulty managing COVID-19 outbreaks on site.

## Communication and Cooperation are Vital

The successful implementation of a COVID-19 dedicated facilities requires clear and cooperative communication. At a minimum, ISDH expects thorough, transparent communication from facilities to residents and their families; cooperation between transferring facilities (hospitals and nursing homes) and receiving facilities to ensure smooth resident transitions; and compliance with the rules governing resident transfers, including delivery of timely notices to residents and the long-term care [ombudsman](#).

## Guidance

To support the creation of a safe COVID-19 dedicated facility for persons to be cared for who meet nursing home level of care (LOC), ISDH and FSSA offer the following support:

1. **Waivers** – ISDH has already [waived](#) facility and staffing requirements that would either prevent or delay the creation of dedicated COVID areas in LTCFs. If additional waivers or guidance are requested, we will expedite their review and, if warranted, approval. The CMS has also [issued waivers](#) to expedite creation of dedicated COVID areas and buildings.
2. **Enhanced rates** – COVID-19 dedicated facilities will receive a 50% increase to the current average nursing facility rate of \$215.36. These rates will allow facilities to increase staff salaries and to pay for transportation of residents if needed and for increased cleaning and PPE costs, in addition to other costs incurred.
  - a. Because the COVID-19 pandemic has affected all LTCFs, we will increase current rates by 4.2% independent of whether they are dedicated COVID-19 facilities.
  - b. All rate increases would only be applicable for the duration of the public health emergency and an appropriate, to-be-determined transition period afterward.
3. **Liability protection** – ISDH is following CMS guidance and conducting only regulatory surveys for immediate jeopardy (IJ) complaints. In addition, the State has provided clarifications on statutory [liability](#) protections for individuals and facilities during the public health emergency.
4. **Data support** – ISDH will partner with the hospital and long-term care associations to create a data platform, if needed, to be used by hospitals to identify regional facilities with capacity to care for COVID-19 patients no longer requiring ongoing acute care.
5. **Testing** – ISDH will facilitate COVID-19 testing for facilities that propose to create dedicated building or floors that require movement of residents to new facilities or floors prior to transferring residents. Residents, even those who are asymptomatic, should be tested prior to transfer.
6. **Training** – ISDH will provide infection control teams to train staff, as needed, working in dedicated COVID-19 areas.
7. **Personal Protection Equipment (PPE)** – ISDH will provide PPE, if available, to dedicated facilities. These facilities, similar to hospitals, will be priority for distribution of PPE as it is obtained from the Strategic National Stockpile (SNS) and other sources. A condition to receive PPE will be participation in the State's EMResource database.

## Qualifications for support

To qualify for the above support, facilities must:

1. Develop a mutually agreed upon plan with hospitals for transfer and care of residents at COVID-19 facilities requiring acute care.
2. Be approved by the State as a COVID-19 dedicated facility
3. Have only residents who require nursing home level of care (LOC)
4. Identify the building dedicated to the care of COVID-19 patients
5. Be currently open and operational with sufficient beds, equipment and support (e.g., food, housekeeping, maintenance support) to meet the anticipated number of dedicated beds
6. Be able to staff dedicated facilities or areas.
7. Have a written plan of operation addressing defined criteria, and submit the plan for ISDH approval within 30 days of implementation
8. Be State-licensed and CMS-certified
9. Maintain documentation that tracks COVID patients, as well as a detailed understanding of the Minimum Data Sets
10. Update daily COVID-19 available beds and PPE stores in EMResource
11. Facilities will communicate their plans with hospitals and ensure all families are notified of the timing and location of resident transfer prior to implementation.

## Relevant Documents

- 1) [COVID 19 Actions – Regulatory Waivers](#) (State of Indiana)
- 2) [COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers](#) (CMS)
- 3) [Long Term Care Facilities \(Skilled Nursing Facilities and/or Nursing Facilities\): CMS Flexibilities to Fight COVID-19](#) (CMS)
- 4) [Needing Room for Coronavirus Patients, Massachusetts Seeks to Clear Out Some Nursing Homes](#) (Wall Street Journal)
- 5) [Memorandum: Prioritization of Survey Activities](#) (CMS)
- 6) [Section 1135 Waiver Flexibilities - Indiana Coronavirus Disease 2019](#) (CMS)
- 7) [State to designate nursing homes for residents who test COVID-19 positive](#) (Connecticut)