

November 11, 2021

LTC COVID-19 Update

Presented by:

Zach Cattell, President

Lori Davenport, Director of Regulatory & Clinical Affairs

Indiana Department of Health Team



1

Today's Topics

- Booster shot videos for your campaign – Deeksha Kapoor
- Federal vaccine mandates – Lori Davenport
- Q&A



Virtual Assisted Living Symposium, an on-demand event Nov 19-Dec 3, details [HERE](#)

Nutrition, Hydration and Weight Loss, a webinar on Nov 17, details [HERE](#)



2

BOOSTER SHOT EDUCATIONAL VIDEO



25-second educational video



- ✓ Play in loop in visitation rooms and waiting rooms.
- ✓ Share with your network on Facebook
- ✓ Share with staff, residents and families
- ✓ Access here:
<https://www.facebook.com/ihcaincal/videos/3030146743892418/>



3

Federal Vaccine Mandates

4

Two Rules Issued

CMS Interim Final Rule –

- Applies to health care settings, tied to Medicare certification
- Nursing Facilities
- ICF-IDD
- OSHA Emergency Temporary Standards –
 - Applies to employers with 100 or more employees who are not covered by the current OSHA Healthcare ETS

Both preempt any inconsistent state or local laws



5

What about Assisted Living

- Listen carefully -
- Message --- move forward under OSHA ETS if 100 or more employees
- Not included in the CMS rule
- Move forward with December 5th date in mind



6

CMS Interim Final Rule

- Clear about why this rule is possible in a public health emergency
 - Deaths
 - Long-COVID-19 symptom suffered after recovery
 - Disproportionate burden of virus on minorities
 - Higher COVID-19 patient rates with lower staff vaccination rates
 - Short comment period
 - IFR is typically implemented as originally proposed



7

Comment Period

- Real-world issues need to be communicated
- One size does not fit all
- Staffing
- Downsize or limitations admissions
- Resignations
- Keep track of your real-world issues



8

CMS Rule – important dates

- The rule became effective November 5, 2021
- Implementation timeline
 - Phase 1 – December 5, 2021: All eligible staff has one dose of vaccine
 - Phase 2 – January 4, 2022: All eligible staff are fully vaccinated = one shot of J&J by December 5th or two shots of Moderna and/or Pfizer by January 4th.



9

Popular Question

- Can an employee work during the 14-day period after the second dose of Moderna or Pfizer or the first and only dose of J&J.
 - Yes.
 - For purposes of this rule: The rule is met if a person has vaccinated in the arm by December 5 and January 4.



10

Popular Question

- If J&J vaccine is the choice..... Can a person wait to get the one and only dose on or by January 4th?
 - No
 - If J&J is the vaccine of choice – the individual will need to be vaccinated with the one and only shot by December 5th.



11

Popular Question

- Has CMS issued interpretive guidelines ?
 - No
 - When they are issued, IHCA will let you know, and it will be fully discussed in detail on a Thursday call.
 - We do not know how compliance issues will be fined and or tagged at this time.

QSO memo and interpretive guidance – will be released by CMS



12

Things you need to do now.

13

Required Policies and Procedures

- Develop policies and procedures
 - Ensure eligible staff are vaccinated
 - **Provide paid leave for vaccination and recovery – OSHA rule from July - This applies to Assisted Living as well**
 - Documentation and tracking – status of vaccination, delays, exemptions requested and granted, resignations.
 - Develop mitigation plan for dealing with unvaccinated staff – Infection Prevention and Control



14

Employees Covered

- Any staff who provide any care, treatment or services for facility & or patients – housekeeping and dietary staff are included
- Licensed practitioners that come and go
- Students, trainees, and volunteers
- Contracted staff who provide care, treatment or other services for the facility and/or patients



15

Employees Not Covered

- Employees who are 100 percent remote
- No contact with resident or facility staff who work exclusively outside of the facility setting.
- Most likely – IDH surveyors



16

Exemptions in CMS Rule

- Medical
- Religious
- No testing exemption



17

CMS Statement

- “CMS believes that exemptions could be appropriate in certain limited circumstances, but no exemption should be provided to any staff for whom it is not legally required (under the ADA or Title VII of the Civil Rights Act of 1964 or who requests an exemption solely to evade vaccination.”



18

Required Policies and Procedures

- Establish, develop and implement process for staff to request exemption
- Document exemption requests and status of exemptions
- Evaluate compliance with applicable federal laws – more to come



19

OSHA – ETS Rule Assisted Living

20

OSHA – Emergency Temporary Standards

- Applies to most employers with 100 or more employees – those not covered in CMS rule
- Includes a weekly testing exemption – employer is not required to pay for the test
- Allows medical and religious exemptions
- Effective December 5, 2021, for most provisions
- January 4, 2022, for testing requirement



21

Booster Shots

- Do you have your plan in place
- Can you have booster shots in arms by November 30th ?
- If you can't – show your plan and what you have done to have a good faith effort to do so by November 30th.



22



Q&A

IHCA.ORG

23

Contact Information

- Lori Davenport – **IHCA/INCAL Clinical/Regulatory**
 - ldavenport@ihca.org
 - 765-516-0148
- Amy Kent – **Assistant Commissioner, IDH**
 - amkent1@isdh.in.gov
 - 317-233-7289
- Jennifer Spivey – **Infection Control, IDH**
 - JSpivey1@isdh.IN.gov
 - 317-232-0639
 - 317-471-7844 cell
- Paul Krievins
 - pkrievins@isdh.in.gov
- Kelly White – **Reporting, IDH**
 - kewhite@isdh.in.gov
- David McCormick
 - DMcCormick@isdh.IN.gov
- Tammy Alley – **Vaccine Questions, IDH**
 - talley@isdh.in.gov
 - 317-223-7441
- Randy Synder – **Vaccine Questions, IDH**
 - rsnyder1@isdh.in.gov
- Russell Evans
 - russ@probarisystems.com
- Zach Cattell – **IHCA/INCAL President**
 - zcattell@ihca.org
- Dr. Shireesha Vuppalachchi – **Clinical, IDH**
 - svuppalachchi@isdh.in.gov
- Brenda Buroker – **Survey, IDH**
 - bburoker@isdh.in.gov
 - 317-234-7340
- Dr. Lindsey Weaver
 - lweaver@isdh.in.gov
- Jan Kulik
 - jkulik@isdh.in.gov
 - 317-233-7480
- Peter Krombach
 - pkrombach2@isdh.in.gov
- Michelle Donner
 - midonner@isdh.in.gov
- Pam Pontones – **CDC Guidance, IDH**
 - ppontones@isdh.IN.gov
 - 317-233-8400
- Kara Dawson – **NHSN**
 - kdawson@qsource.org
 - 317-628-1145 OR contact:
 - Angeleta Hendrickson - ahendrickson@qsource.org
 - Teresa Hostettler - thostettler@qsource.org
- Deeksha Kapoor – **IHCA/INCAL Communications/PR**
 - dkapoor@ihca.org



24



THANK YOU!

IHCA.ORG