

February 2, 2023

LTC COVID-19 Update

Presented by:

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Indiana Department of Health Team



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Today's Topics



- Vaccine update – Dr. Vuppalanchi
- Single Dose Boosters and accessibility – Dave McCormick
- Sharing an experience related to COVID-19 Vaccination – Crystle Howe, IP and Emily Miller, NP
- Announcements and IDOH overview of Guidance for Immediate Emergency /Discharge of Residents – AL and/or SNF – Lori Davenport
- Q&A

LSC Intensive Workshop Feb 6-7, a 2-day in-person workshop, details [HERE](#)

Approaches for Activities, a webinar on Feb. 28, details [HERE](#)

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Nurse Aide Statewide Waivers

- Indiana – is one of 18 states where the waiver will end before May 11.
- CMS has indicated if there is evidence of need that the state could ask for extension to May 11th.
- Are you experiencing any bottle necks to testing?
- Report those to us!



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Public Health Emergency

- Ending May 11, 2023
 - Thursday call --- How this will impact us!
 - Next week



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Guidance for Immediate/Emergency Discharge of Residents from Long-Term Care

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IDOH Guidance

- Will publish document in the LTC Newsletter in near future
- IHCA – ask:
 - Please provide any questions or comments to the guidance to ldavenport@ihca.org
 - A future Thursday call will address your questions.



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Guidance

- The Indiana Department of Health holds the facility responsible for the protection of the health and safety of long-term-care residents. The facility makes the determination of when a resident poses a threat to the health and safety of the individuals in their facility. The rules and regulations at the end (will list) enable a facility to take immediate action when residents are violent, persistent in unlawful or dangerous behavior, or have repeated occurrences of violating facility policies.
 - **The facility must give the discharge notice as soon as possible and does not have to wait for any appeal process before discharging the resident.**



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Residential Rules – Emergency Discharge

410 IAC 16.2-5(r)

- (4) Health facilities must permit each resident to remain in the facility and not transfer or discharge the resident from the facility unless:
 - (C) the safety of individuals in the facility is endangered;
 - (D) the health of individuals in the facility would otherwise be endangered;
 - Documentation:
 - (5) When the facility proposes to transfer or discharge a resident under any of the circumstances specified in subdivision (4)(A),(4)(B),(4)(C),(4)(D), or (4)(E), the resident's clinical records must be documented. The documentation must be made by the following:
 - (B) Any physician when transfer or discharge is necessary under subdivision (4)(D).



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Nursing Home Regulations and Rules – Emergency Discharge

Federal F622

- §483.15(c)(1) Facility requirements- (i) The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless—
 - (C) The safety of individuals in the facility is endangered due to the clinical or behavioral status of the resident;
 - (D) The health of individuals in the facility would otherwise be endangered
- (ii) The facility may not transfer or discharge the resident while the appeal is pending, pursuant to § 431.230 of this chapter, when a resident exercises his or her right to appeal a transfer or discharge notice from the facility pursuant to § 431.220(a)(3) of this chapter, unless the failure to discharge or transfer would endanger the health or safety of the resident or other individuals in the facility. The facility must document the danger that failure to transfer or discharge would pose.



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Nursing Home Regulations and Rules – Emergency Discharge

§483.15(c)(2) Documentation. When the facility transfers or discharges a resident under any of the circumstances specified in paragraphs (c)(1)(i)(A) through (F) of this section, the facility must ensure that the transfer or discharge is documented in the resident's medical record and appropriate information is communicated to the receiving health care institution or provider.

(i) Documentation in the resident's medical record must include:

- (ii) The documentation required by paragraph (c)(2)(i) of this section must be made by— (A) The resident's physician when transfer or discharge is necessary under paragraph (c) (1) (A) or (B) of this section; and (B) A physician when transfer or discharge is necessary under paragraph (c)(1)(i)(C) or (D) of this section.
- 410 IAC 16.2-3.1-3
- (v) A resident has the right to the following: (1) Reside and receive services in the facility with reasonable accommodations of the individual's needs and preferences, except when the health or safety of the individual or other residents would be endangered



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Nursing Home Regulations and Rules – Emergency Discharge

410 IAC 16.2-3.1-12(a)

- (4) Health facilities must permit each resident to remain in the facility and not transfer or discharge the resident from the facility unless:
 - (C) the safety of individuals in the facility is endangered
 - (D) the health of individuals in the facility would otherwise be endangered
- (8) Notice may be made as soon as practicable before transfer or discharge when:
 - (A) the safety of individuals in the facility would be endangered
 - (B) the health of individuals in the facility would be endangered
- (15) If an intrafacility transfer is required, the resident must be given notice at least two (2) days before relocation, except when:
 - (A) the safety of individuals in the facility would be endangered
 - (B) the health of individuals in the facility would be endangered
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**Justified reasons for
immediate/emergency discharge of
residents**

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Considerations

- Is this an isolated incident?
- Is it potentially illegal activity?
- Has law enforcement been contacted?
- Have interventions been consistently implemented and failed?
- Has the resident been clearly informed of the violation of facility policy and of the immediate discharge unless the behavior changes?



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Documentation

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- Is there documentation demonstrating the need for immediate discharge?
 - Incidents leading to the discharge?
 - Description of how the incident is threatening the health and safety of residents and staff?
 - Interventions used and outcome?
 - Attempts were made to identify placement for a resident?



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Examples Behaviors warranting emergency discharge

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Examples:

- A resident found with a weapon and refused to give it up for safe storage.
- A resident using a weapon on a resident or staff.
- An ongoing physical, verbal or threatening assault on residents or staff when consistent use of interventions has been ineffective.
- Illegal drug use in the facility and/or selling illegal drugs to other residents or staff without agreement for treatment.
- Repeated violation of smoking in the resident's room or in non-smoking areas.



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VBP Program Influenza Vaccination

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Question from last week -

- Influenza Vaccination Reporting – Is it part of VBP
 - Medicare – Quality Reporting – Yes
 - Medicaid VBP – no – not now and not in the immediate future.



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THANK YOU!

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