



December 17, 2021

Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
Washington, DC

re: CMS Guidance on Nursing Home Visitation

Dear Administrator Brooks-LaSure

We, the representatives of the undersigned three organizations, write in support of CMS's efforts to reduce isolation and loneliness for nursing home residents, such as expanded visitation. However, we have concerns regarding the unlimited, unrestricted access of visitation in nursing homes, as promulgated by the Centers for Medicare & Medicaid Services in their recent (November 2021) revision of their publication, QSO-20-39-NH.

In light of the ongoing Public Health Emergency related to the COVID-19 pandemic, we believe that facilities should have flexibility to place temporary visitation restrictions in nursing homes to protect resident safety and maintain proper infection control. In addition, this guidance conflicts with guidance of some state and local health departments, which may result in further confusion.

As the guidance is written, it appears that a facility is not permitted to place any restriction on visitation, regardless of staffing levels, community positivity rates, or severity of facility outbreak. We are concerned that the absolute, unconditional language may pose a risk to nursing homes and their residents, placing skilled nursing facilities in precarious situations when outbreaks occur.

We note that historically (pre-pandemic), nursing facilities have been given the ability to restrict visitors for the safety and protection of the residents and visitors in light of outbreaks, such as norovirus or influenza, in conjunction with their medical directors and local health departments. It seems counterintuitive and potentially dangerous to limit facilities' ability to temporarily restrict access to the building when a deadly and highly transmissible illness like COVID-19, especially with omicron expected to surge, is already rampant inside the facility, in the surrounding community, or when hospitals in the area are experiencing a surge. Additionally, during an outbreak situation, staffing shortages may lead to the inability to ensure that safe visiting policies are being followed.

We do not wish to unnecessarily restrict our residents' access to their loved ones in nursing homes. However, we are hopeful that CMS will issue further clarification to supplement this revised QSO-20-39-NH to help nursing facilities, medical directors, infection preventionists, and local health departments to navigate outbreak situations with more flexibility to temporarily limit, restrict, or prohibit visitors from entering the facility.

Thank you for your consideration,

Karl E. Steinberg, MD, HMDC, CMD
President, AMDA - The Society for
Post-Acute and Long-Term Care
Medicine

David Gifford, MD
Chief Medical Officer
American Health Care Association/
National Center for Assisted Living

Katie Smith Sloan
President and CEO
Leading Age

cc: Lee Fleisher
Shari Ling
Evan Shulman