



## **Nursing Home Weekly: Recap of LeadingAge Updates**

November 11, 2022

**Upcoming LeadingAge Coronavirus Update Calls. All calls are at 3:30 PM ET.** How does HUD support preservation and recapitalization of federally assisted housing? Hear it straight from HUD! **On Monday, November 14, Tom Davis, Director of the office of Recapitalization at HUD** will join us. The Office of Recapitalization (“Recap”) supports the preservation and recapitalization of federally-assisted housing and rental assistance. Recap structures, reviews, and implements transactions to ensure long-term physical and financial viability, often through public-private partnerships and the use of tax-incentivized financing. Programs currently or recently implemented by Recap include the Rental Assistance Demonstration ([RAD](#)).

**On Wednesday November 16, Ashley Z. Ritter, APRN, PhD Director of Clinical Care Research at NewCourtland** will join the call. NewsCourtland is a Philadelphia-based, non-profit organization that provides thousands of low-income seniors with affordable housing, healthcare, and supportive services which are customized to meet each individual’s unique needs. If you haven’t registered for LeadingAge Update Calls, [you can do so here](#). You can also find previous call recordings [here](#). Note that to access recordings of the calls you need a LeadingAge password. Any staff member of any LeadingAge member organization can set up a password to access previous calls and other “members only” content.

**Recording Available of LeadingAge New MDS Webinar.** The LeadingAge Learning Hub webinar, “The New MDS V1.18.11: Are You Prepared,” held this week, was well attended. A recording of the session is available [here](#) at a deep discount for members of LeadingAge. The entire webinar was recorded. Speakers highlighted the MDS sections with changes and new items; reviewed each MDS item and potential implications for LeadingAge members; and discussed planning for the change in documentation requirements for the interdisciplinary team.

**November 15 Deadline for SNFs to submit MDS Data for QRP.** Skilled Nursing Facilities must have all of their MDS assessment and NHSN data for April 1 – June 30, 2022 submitted by 11:59 PM ET on November 15, 2022. This is for the purpose of determining compliance with reporting for the SNF Quality Reporting Program. As always, members will want to make sure all elements in these reports are complete. One way to do that is to run applicable CASPER/IQIES/NHSN analysis reports prior to each quarter’s reporting deadline. Providers can access more detail on the list of measures required for the SNF QRP [here](#). SNFs can also sign up to be notified if they are not meeting the Annual Payment Update thresholds each quarter prior to submission. Providers who want to be added to or who wish to update the email address that this notice is sent to, can email [QRPHelp@swingtech.com](mailto:QRPHelp@swingtech.com) and be sure to include your facility name and CMS Certification Number (CCN) along with any requested email updates.

**NHSN Reporting of COVID-19 Vaccination for SNF QRP.** We have confirmed with NHSN that the blast emails sent by NHSN earlier this week regarding reporting of COVID-19 vaccination data by November 15 require no additional action from nursing homes. Nursing homes report COVID-19 vaccination data on staff on a weekly basis through the Long-Term Care Facility (LTCF) component. This data is automatically transferred to the SNF Quality Reporting Program and providers do not need to submit

additional data through the Healthcare Personnel Safety (HPS) component, nor do they need to complete a Monthly Reporting Plan. We note that flu vaccination data on staff *will* need to be reported through the Healthcare Personnel Safety component for the SNF QRP; however, this data is required to be reported only once by May 15, 2023 and the Monthly Reporting Plan has also been waived for this reporting.

**Supreme Court Considers Private Rights of Action Against Nursing Homes Under Section 1983.** The Supreme Court on Nov. 8 heard oral arguments in the case of *Health and Hospital Corporation of Marion County v. Talevski*, which presents the question of whether an individual may privately sue a government-owned nursing home under Section 1983 of the U.S. Code for a violation of rights established by the 1987 Federal Nursing Home Reform Act (FNHRA). The case has drawn considerable public attention, both for its potential outcome as it relates to FNHRA and for the broader impacts that might result depending on how the Court rules. An article summarizing the case is [available here](#). A recording and transcript of the hearing are available on the [Supreme Court's website](#).

**QuickCast for Members on How to Educate Residents and Clients on their Medicare Choices During Current Open Enrollment Period Through December 7.** It is Open Enrollment Time right now for Medicare beneficiaries. This is the one time of year when all Medicare beneficiaries decide how they want to receive their Medicare benefits –either through traditional FFS Medicare or a Medicare Advantage or Special Needs Plan. Open Enrollment happens every year from October 15 through December 7. We heard from members that many beneficiaries enroll in MA/SNP plans but don't really understand what that means for accessing post-acute care services later. So, this is a great time for members to do some pre-education with residents and clients in all their settings to help beneficiaries and their families make informed choices. LeadingAge has put together a member-only QuickCast with resources entitled, [The Importance of Medicare Open Enrollment](#). In this 18-minute QuickCast, Nicole Fallon reviews what providers can (and cannot) do to educate older adults and their families about Medicare and Medicare Advantage plans.

**"Test Soon, Treat Early" Resources.** The CDC has developed a flyer to educate people on how important it is to "TEST SOON – TREAT EARLY." With COVID cases expected to rise in the coming weeks and months, the importance of testing and of early treatment cannot be overstated. Here is the [CDC's new flyer](#). If there is an available "test to treat" site nearby, [this jpg](#) from HHS's Administration for Strategic Preparedness Response will also be useful.

**New Initiative Out of CMS Focusing on Assessment/Data Processes.** CMS contacted LeadingAge and the American Healthcare Association to discuss a new initiative focused on assessment and data processes in nursing homes. CMS shared that they are currently developing a project that seeks to gain a broad perspective of the overall experience of data input, monitoring, and use. The goal is to improve processes in a way that will collaterally improve data accuracy and expand usefulness. CMS will target 3 specific workflows – NHSN, MDS, and transitions of care – through virtual interviews and onsite visits in early 2023. These site visits will not be a function of oversight or enforcement and we will share more information as it becomes available.

**Update Reporting Requirements for Provider Relief Funds:** HRSA updated the "PRF Distributions and American Rescue Plan Rural Distributions Post-Payment Notice of Reporting Requirements" on October

27. The latest draft is updated to reflect the fact that PRF funds continue to roll out and the addition of the ARP Rural funds. Under the revisions, there are now 7 reporting periods that take us through funds distributed through June 30, 2023 with final reports being submitted September 30, 2024. In addition, the rules are updated to reflect how ARP Rural funds are reported. Here are a couple of key items members should pay attention to:

- For all providers who received general distribution PRF and/or ARP rural payments, HRSA will only allow them to apply these funds to lost revenues through the end of the quarter in which the Public Health Emergency ends. Providers will be able to continue to apply these funds to COVID-19 related expenses through the end of the relevant period of availability.
- When providers who received both PRF and ARP rural funds go to report on those funds, COVID-19- related expenses and lost revenues must first be applied to their ARP rural payments, and the remainder will be applied to their general PRF distributions (e.g., Phase 4).
- In cases where a parent organization received ARP rural payments on behalf of its qualifying subsidiaries, the parent entity must report on the use of the funds not the subsidiary. Reminder that qualifying entities were not permitted to transfer or allocate any ARP rural funds to another entity.

We will be drafting an article with more details on the changes to these reporting requirements in the coming days and share that link as soon as it is ready.