



Nursing Home Weekly: Recap of LeadingAge Updates

March 31, 2023

CMS Strengthens Enforcement for Nursing Home Infection Control. CMS released memo [QSO-23-10-NH](#) on March 30 outlining strengthened enforcement for infection control deficiencies in nursing homes. This policy builds on and replaces the previously enhanced enforcements detailed in [QSO-20-31-ALL](#) released by CMS in June 2020. Changes to enforcement include increased CMPs, shortened duration of time to respond before effect of discretionary denials of payment for new admissions, and stronger directed plans of correction. The policy also includes enhanced enforcement in situations where the nursing home is concurrently cited for infection control (F880) and education/offering COVID-19 vaccination to residents and staff (F887). Read more on these changes [here](#).

CMS Says PHE Waivers Still in Place Will Remain in Place Until May 11. On March 29 the Senate joined the House in approving a resolution to end the COVID National Emergency. LeadingAge members are asking if some of the waiver flexibilities authorized under the Public Health Emergency will also end a month earlier than planned. **They will not.** LeadingAge asked CMS staff on March 30 whether the Congressionally-approved resolution – if the President signs it as expected - means waiver flexibilities will also end. The waivers LeadingAge members are concerned about (including but not limited to the 3 day stay waiver, home health therapy assessment waivers, and hospice volunteer requirement waiver) are connected to the Public Health Emergency, not the COVID National Emergency. These waivers will end at the end of the Public Health Emergency on May 11, as planned and previously announced.

Regarding the 3 day stay waiver, LeadingAge has written to the [Secretary of HHS](#) and to [leaders in Congress](#) seeking changes to extend the waiver or eliminate the requirement. We are working with HHS and Congress to continue to press to eliminate this outdated, unnecessary policy.

Regarding home health therapy assessments, LeadingAge will advocate for their continuation with Congress. We have asked [CMS to clarify the rules around the use of telehealth in routine home care for hospices](#) and to use enforcement discretion as hospices ramp back up to full volunteer loads.

Kaiser Releases Poll Results: Show Political Majorities on Both Sides Support Medicare and Medicaid. In an article released today – [KFF Health Tracking Poll March 2023: Public Doesn't Want Politicians To Upend Popular Programs](#) – the authors lay out statistical analysis of support for both government funded programs. While support for Medicare remains strong on both sides of the aisle, Medicaid support dwindles among individuals without a personal familial or friend's use of the program. Of note, for individuals not reporting a connection to Medicaid, their views trend towards 'Medicaid as primarily a government welfare program' compared with 'Medicaid as primarily a government health insurance program that helps people pay for health care.' The data is timely as Congress engages in debt limit and budgetary negotiations.

Pew Charitable Trusts Releases State Budget Graphic. Each state's budget is a composite of funding from state tax revenue, federal funding, and other sources. The graphic released on March 29 by Pew shows how each state's funding breaks out. See how your state stacks up, [here](#).

CMS Releases New BIMS Resources for Post-Acute Providers. CMS is offering a set of cue cards to assist providers in conducting the Brief Interview for Mental Status (BIMS), the Patient Health Questionnaire (PHQ-2 to 9), and the Pain Interview, as referenced in setting-specific guidance. This resource is intended to be utilized as a supplemental patient communication tool that provides a visual reference for the coding of response options. More detailed instructions regarding the use of cue cards and the administration of the BIMS in writing can be found in your setting-specific guidance manual. The cue cards are available in the **Downloads** section of the [HH QRP Training](#) page.

CMS Releases New Video Tutorial for GG0170C: Lying to Sitting on Side of Bed. CMS released a short video tutorial to assist providers with coding GG0170C. Lying to Sitting on Side of Bed. This 5-minute video is designed to provide targeted guidance using simulated patient scenarios. To access the video, click on the following link: [GG0170C. Lying to Sitting on Side of Bed](#). If you have questions about accessing the resources or feedback regarding the trainings, please email [PAC Training](#).

Cuts a “Five-Alarm Fire” for Older Adults, White House Says. Contemplated House cuts to domestic discretionary programs in FY24 would equate to a [“five-alarm fire” for older adults](#), the White House said on March 23. Individual [departmental assessments](#), requested and received by House Committee on Appropriation Democrats, describe how the House Freedom Caucus’s suggested cuts would impact programs. The March 23, White House assessment takes a cross-department view of the discussed cuts’ impact on older adults and says the suggested cuts would worsen Social Security and Medicare wait times, rob seniors of healthy meals, cut housing for seniors, and reduce other vital services for older adults. “By suggesting cuts that would rob a million older adults of nutrition services, deny thousands of seniors access to paid work opportunities, and put seniors across the country at risk of homelessness, the Republican proposal shows that they are willing to turn their backs on this vulnerable portion of our population at a time when they need the support the most,” a March 23 [press release](#) from Appropriations Democrats says.

Survey Guidance for Nursing Home Residents Receiving In-Home Dialysis. CMS released updated surveyor guidance on March 22 for End-Stage Renal Disease (ESRD) facilities. This guidance specifically focused on surveying for nursing home residents receiving “home dialysis services” in the nursing home. **ESRD surveys will include visits to the nursing home to survey home dialysis services of nursing home residents.** Access the CMS memo [here](#) for more details on what to expect.

Committing to Diversity, Equity, and Inclusion (DEI). There has never been a more important time to raise our individual and collective awareness, explore shared values, and identify scalable ways to cultivate ongoing practices of diversity, inclusion, and belonging. [Committing to Diversity, Equity, and Inclusion \(DEI\) is a new Shared Learning Series](#) designed to guide LeadingAge provider members through a six-part educational series of peer-to-peer learning and self-reflection that will enhance your understanding of the principles and practices associated with diversity, equity, and inclusion. [Learn more and register by April 28.](#)