



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
*Aging and Long-Term Support Administration*  
*PO Box 45600, Olympia, Washington 98504-5600*

May 7, 2020

AL TSA: NH #2020-032

**QSO-20-29-NH INTERIM FINAL RULE UPDATING REQUIREMENTS FOR NOTIFICATION  
OF CONFIRMED AND SUSPECTED COVID-19 CASES AMONG RESIDENTS AND STAFF IN  
NURSING HOMES**

Dear Nursing Facility/Home Administrator:

On May 8, 2020, the Centers for Medicare and Medicaid Services (CMS) will publish an interim final rule with comment period. The unpublished rule is available for public inspection at [the Federal Register website](#) (Agency Docket: CMS-5531-IFC and Regulation ID Number (RIN): 0938-AU32).

CMS has added to infection control requirements to establish reporting for confirmed or suspected COVID-19 cases at 42 CFR §483.80(g), a new section. The full wording of requirements at 42.CFR §483.80(g) is available in [QSO-20-29-NH](#). In summary, facilities must:

- Electronically report information about COVID-19 in a standardized format specified by the Secretary of Health and Human Services. Specifics on what must be reported is in the new rule.
- Provide the specified information at 42 CFR §483.80(g) at a frequency specified by the Secretary, but no less than weekly to the Centers for Disease Control and Prevention's (CDC) National Healthcare Safety Network (NHSN). This information will be posted publicly by CMS weekly by the end of May on <https://data.cms.gov/>.
- Inform residents, their representatives, and families of those residing in facilities within specific timeframes following the occurrence of confirmed or suspected cases (specifics are in the memo). Facilities must also provide information about mitigation efforts and follow up communication to residents and representatives as required.

**Reporting COVID-19 Information to CDC's NHSN**

The QSO memo contains information about how to register with NHSN, and how to access more information about the registration and data submission process. It also has suggestions about what information to have available to expedite the registration process.

- [Long-Term Care Facility COVID-19 Module](#) contains information on what must be reported and how to report.
- <https://www.cdc.gov/nhsn/> is the homepage of the NHSN.
- Email [NHSN@cdc.gov](mailto:NHSN@cdc.gov) and add "LTCF" in the subject header if you have additional questions about NHSN.

Facilities must submit their first set of data by **11:59 p.m. Sunday, May 17, 2020**. Facilities must submit the data at least once every seven days. Facilities may choose to submit multiple times a week.

CMS is not prescribing which day of the week the data must be submitted, although reporting should remain consistent with data being submitted on the same day(s) each week. The data collection period should also remain consistent (e.g., Monday through Sunday).

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To assist facilities with the reporting requirement, the Washington State Department of Social and Health Services and the Washington State Department of Health are working toward a system to collect the data at the state level and send it to NHSN as a batched state submission. The intention is to consolidate reporting of the COVID-19 information into a single portal and reduce the burden for nursing homes. When the system is in place, facilities could choose to submit the required data via a state portal instead of NHSN. RCS will notify facilities when this option is available.

### **Updates to the COVID-19 Focused Survey for Nursing Homes**

CMS updated the "COVID-19 Focused Survey for Nursing Homes," "Entrance Conference Worksheet," "COVID-19 Focused Survey Protocol," and "Summary of the COVID-19 Focused Survey for Nursing Homes" to include an updated assessment of the new requirements. These updated forms are posted to the [Survey Resources](#) folder in the COVID-19 Focused Survey sub-folder and "COVID-19 Focused Survey for Nursing Homes" is attached to the QSO memo. Facilities should begin using the revised "COVID-19 Focused Survey for Nursing Homes" to perform their self-assessment. The documents include the following new deficiency tags related to the new requirements:

**F884: COVID-19 Reporting to CDC.** Review for F884 will be conducted offsite by CMS Federal surveyors. CMS will receive the CDC reported data and review for timely and complete reporting of all data elements.

**F885: COVID-19 Reporting to Residents, their Representatives, and Families.**

Review for F885 is included in the "COVID-19 Focused Survey Protocol" and will occur onsite by state and/or federal surveyors.

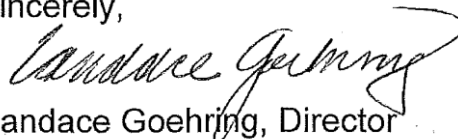
### **Enforcement for F884**

A determination that a facility failed to comply with the requirement to report COVID-19 related information to the CDC will result in an enforcement action. Noncompliance with this requirement will receive a deficiency citation and result in a civil money penalty.

CMS will provide facilities with an initial two-week grace period to begin reporting cases in the NHSN system (which ends at 11:59 p.m. on May 24, 2020). For facilities that have not started reporting in the NHSN system by 11:59 p.m. on June 7, ending the fourth week of reporting, CMS will impose a per day civil money penalty.

At the bottom of the QSO memo, CMS has included a list of frequently asked questions about the new requirements. If you have additional questions about the memo, please contact [DNH\\_TriageTeam@cms.hhs.gov](mailto:DNH_TriageTeam@cms.hhs.gov). For other questions, please contact Lisa Herke, Nursing Home Policy Program Manager at (509) 209-3088 or [lisa.herke@dshs.wa.gov](mailto:lisa.herke@dshs.wa.gov).

Sincerely,



Candace Goehring, Director  
Residential Care Services

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