### Nursing Homes

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<th>Did we get it</th>
<th>What is in the rule</th>
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| Suspending payroll-based journal (PBJ) submission                | Yes          | • Providing relief to long term care facilities on the requirements for submitting staffing data through the Payroll-Based Journal system  
• The submission is waived but we will still need to review the detail and ramifications of Nursing Home Compare |
| Relaxing comprehensive care plan requirements and timelines      | No           | • Care plans have not been waived.                                                                                                                                                                                  |
| Relaxing requirements for physician assessment every 30 days in the first 90 days and every 60 days thereafter | Yes          | • Waiving requirements for physicians and non-physician practitioners to perform in-person visits for nursing home residents and allow visits to be conducted, as appropriate, via telehealth options.  
• The key framing is as appropriate.                                                                                                                                 |
| Allowing off-site pharmacy reviews                               | No           | • Pharmacy reviews will still be required.                                                                                                                                                                            |
| Relaxing requirements to allow all sites to function as training sites for certified nurse assistant’s clinical hour requirements | No However… | • The waiver is allowing a SNF or NF to employ anyone (CNAs) for longer than four months even if they have not met the training requirements under 42 CFR 483.35(d).  
• The individual must be competent to provide nursing and nursing related services.  
• CMS is not waiving the demonstration of the competency of the nurse aide to care for the resident. |
| Waive Pre-Admission Screening and Annual Resident Review (PASRR) | Yes And No   | • Allowing states and nursing homes to suspend these assessments for new residents.                                                                                                                                 |
for 30 days. After 30 days, new patients admitted to nursing homes with mental illness (MI) or intellectual disability (ID) should receive the assessment as soon as resources become available.

| Evacuating facilities to provide services in alternative settings | Yes and No | • CMS has outlined waivers for Physical Environment (see below) |
| Relaxing provider participation requirements to provisionally, temporarily, enroll providers | Yes | • Toll free hotlines established for providers and Part A beneficiaries.  
• Flexibilities provided: 1. Waive certain screening requirements, 2. Postpone all revalidation actions and 3. Expedite and pending or new applications from providers. |

In addition to the items included in LeadingAge’s 1135 waiver request, the following provisions are included in the nursing home waivers:

**Cost Reporting**
- CMS is delaying the filing deadline of certain cost report due dates due to the COVID-19 outbreak.

**Accelerated/Advanced Payments**
- CMS is authorized to provide accelerated or advance payments during the period of the public health emergency to any Medicare provider/supplier who submits a request to the appropriate Medicare Administrative Contractor (MAC) and meets the required qualifications.

**Resident Groups**
- CMS is waiving the requirement to allow residents to have the right to have in-person group meetings.

**Physical Environment**
- CMS is allowing a non-SNF building to be temporarily certified and used by the SNF in the event there are needs for isolation processes for COVID-19 positive residents.
- In addition, CMS will waive certain conditions of participation and certification requirements to open the NF.
- CMS is also allowing rooms to be used in a SNF that normally would not be a resident room, in the need for surge capacity. The types of rooms could be a dining room, activity room – as long as the resident is safe and comfortable. – Surge Capacity

*Resident Roommates and Groupings*
- For grouping and cohorting focused on residents who are symptomatic and/or asymptomatic, CMS is waiving the residents right to share a room with a resident of their choice, to provide notice and rationale to change a resident’s room and the resident’s refusal to transfer to another room.

*Resident Transfer and Discharge*
- CMS is waiving the requirements for a SNF to transfer or discharge a resident for the sole purpose of co-horting. The transfer or discharged resident could be with or without respiratory symptoms, positive for COVID-19 or signs/symptoms to be observed for 14 days at the receiving facility. No matter what the transfer/discharge reason the facility must be dedicated to taking care of the resident and have the ability to prevent the spread.

CMS has provided a [fact sheet](#) for nursing homes as well as the [interim final rule](#) with comment period. LeadingAge is reviewing thoroughly and will share fuller analyses and topics for comment.