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FOR IMMEDIATE RELEASE
May 18, 2020

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Trump Administration Issues Guidance to Ensure States Have a Plan in Place to Safely Reopen Nursing Homes

Guidance provides critical steps nursing homes should take prior to reopening

Today, under the leadership of President Trump, the Centers for Medicare & Medicaid Services (CMS) announced new guidance for state and local officials to ensure the safe reopening of nursing homes across the country. The guidance released today is part of President Trump's *Guidelines for Opening Up America Again*. It details critical steps nursing homes and communities should take prior to relaxing restrictions implemented to prevent the spread of coronavirus disease 2019 (COVID-19), including rigorous infection prevention and control, adequate testing, and surveillance. The vulnerable nature of the nursing home population requires aggressive efforts to limit COVID-19 exposure and to prevent the spread within facilities. The recommendations issued today would allow states to make sure nursing homes are continuing to take the appropriate and necessary steps to ensure resident safety and are opening their doors when the time is right. This also serves to help states and nursing homes reunite families with their loved ones in a safe, phased manner.

“Coronavirus has had a devastating impact on nursing homes, and as we reopen America, we want to make sure we are doing everything we can to protect our most vulnerable citizens,” said CMS Administrator Seema Verma. “Our focus continues to be the safety and quality of life of nursing home residents and while we are not at a point where nursing homes can safely open up, we want to make sure communities have a plan in place when they are ready to reopen.”

Because COVID-19 poses an elevated threat to vulnerable elderly nursing home residents, CMS recommends additional criteria for nursing homes advancing through phases of reopening, to complement the Trump Administration's broader *Opening Up America Again* framework. CMS is recommending that nursing homes do not advance through any phases of reopening or relax any restrictions until all residents and staff have received results from a

baseline test. In addition, CMS recommends that state survey agencies inspect nursing homes that experienced a significant COVID-19 outbreak prior to reopening. Finally, CMS recommends that nursing homes remain in the current state of highest restriction even when a community begins to relax restrictions for other businesses, and should be among the last to reopen within the community, to ensure safety of the residents. Nursing homes may receive visitors during phase three, which is when there has been a sustained decrease in COVID-19 cases. A variety of factors must go into making this decision, including states not only relying on case count, but assessing the individual nursing home and other local factors. Visitors must be screened and wear a cloth face covering at all times.

The guidance released today encourages state leaders to collaborate with the state survey agency and local health departments to decide how these criteria should be implemented. Given the critical importance in limiting COVID-19 exposure in nursing homes, CMS recommends that decisions on relaxing restrictions be made with careful review of the following facility-level, community, and state factors:

- Status of COVID-19 cases in the local community
- Status of COVID-19 cases in nursing homes
- Adequate staffing
- Baseline test of all residents, weekly testing of all staff, practicing social distancing, and universal source control for residents and visitors (e.g., face coverings)
- Access to adequate personal protective equipment (PPE)
- Local hospital capacity

State and local leaders are urged to regularly monitor the factors for reopening and can adjust their plans accordingly, depending on local data about the circulation of the virus in their community. CMS is committed to taking critical steps to ensure nursing homes are prepared to respond to COVID-19.

The guidance released today can be found here: <https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfo-states-and-regopolicy-and/nursing-home-reopening-recommendations-state-and-local-officials>

The frequently asked questions can be found here: <https://www.cms.gov/files/document/covid-nursing-home-reopening-recommendation-faqs.pdf>

The full list of CMS Public Health Action for Nursing Homes on COVID-19 to date is in the chart below.

CMS Public Health Action for Nursing Homes on COVID-19 as of May 18, 2020	
February 6, 2020	CMS took action to prepare the nation’s healthcare facilities for the COVID-19 threat.
March 4, 2020	CMS issued new guidance related to the screening of entrants into nursing homes.
March 10, 2020	CMS issued guidance related to the use of personal protective equipment (PPE).
March 13, 2020	CMS issued guidance on the restriction of nonessential medical staff and all visitors except in certain limited situations.

March 23, 2020	CMS announced a suspension of routine inspections, and an exclusive focus on immediate jeopardy situations and infection control inspections.
March 30, 2020	CMS announced that hospitals, laboratories, and other entities can perform tests for COVID-19 on people at home and in other community-based settings outside of the hospital – including nursing homes.
April 2 , 2020	CMS issued a call to action for nursing homes and state and local governments reinforcing infection control responsibilities and urging leaders to work closely with nursing homes on access to testing and PPE.
April 15, 2020	CMS announced the agency will nearly double payment for certain lab tests that use high-throughput technologies to rapidly diagnose large numbers of COVID-19 cases.
April 19, 2020	CMS announced it will require nursing homes to report cases of COVID-19 to all residents and their families, as well as directly to the CDC. On April 30 , CMS implemented the proposed policy in an Interim Final Rule.
April 30, 2020	CMS announced the formation of an independent Commission that will conduct a comprehensive assessment of the nursing home response to COVID-19.
May 6, 2020	CMS released a memorandum to State Survey Agency directors providing more details on the new reporting requirements of the Interim Final Rule.
May 13, 2020	CMS published a new toolkit comprised of recommendations and best practices from a variety of front line health care providers, governors' COVID-19 task forces, associations and other organizations and experts that is intended to serve as a catalogue of resources dedicated to addressing the specific challenges facing nursing homes as they combat COVID-19. Toolkit is found here: Toolkit
May 18, 2020	CMS issued guidance for state and local officials on the reopening of nursing homes.

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