

## CMS Issues Blanket Waivers for Long-Term Care Facilities, SNFs and NFs

### Related Practice Areas

• Health Care & Life Sciences

Since the COVID-19 emergency declaration, CMS has issued a number of blanket waivers for health care providers, including nursing facilities (NFs) and skilled-nursing facilities (SNFs) retroactive to March 1, 2020, and effective through the end of the COVID-19-related emergency declaration. CMS has released a summary of these blanket waivers in a CMS guidance dated April 21, 2020 (the CMS guidance). For the purpose of expedience, the CMS guidance does not require that these waivers be requested from CMS (at 1135waiver@cms.hhs.gov) or that providers notify any CMS regional offices.

For NFs and SNFs, the CMS blanket waivers apply to the following:

- Three-Day Prior Hospitalization — waiver of requirement for a three-day prior hospitalization for coverage of an SNF stay.
- Reporting Minimum Data Set (MDS) — provide relief to SNFs on MDS timeframe requirement regarding assessments and transmission.
- Staffing Data Submission — provide relief to waive long-term care facility requirement to submit staffing data through payroll-based journal system.
- Waive Pre-Admission Screening and Annual Resident Review
- Waiver of Certain Physical Environment Requirements, such as:
  - Waiver of certain requirements to allow for a “non-SNF building to be temporarily certified and available for use by an SNF in the event there are needs for isolation processes for COVID-19 positive residents [ ]”
  - Waiver of certain NF conditions of participation and certification requirements applicable to opening an NF when the state “determines there is a need to quickly stand up a temporary COVID-19 isolation and treatment location.”
- Resident Groups — restriction of in-person meetings during national emergency.
- Training and Certification of Nurse Aides — waiver of certain employment requirements for SNFs and NFs to assist with potential staff shortages (e.g., waiver of requirement to not employ individuals longer than four months unless certain training or certification requirements are met).
- Physician Visits in SNFs/NFs — waiver of requirements for in-person visits of nursing home residents by physicians and nonphysician providers and allow for such visits via telehealth.
- Resident Roommates and Grouping — waiver of certain requirements for purpose of “grouping or cohorting residents with residents with respiratory illness symptoms and/or residents with a confirmed diagnosis of COVID-19, and separating them from residents who are asymptomatic or tested negative for COVID-19.”
- Resident Transfer and Discharge — waiver of certain requirements to allow transfer or discharge of residents from one LTC to another for certain enumerated, cohorting purposes.

The CMS guidance includes several enumerated exceptions to these NF and SNF blanket waivers and clarifies that such waivers of Medicare requirements are only applicable:

in cases where the transferring facility receives confirmation that the receiving facility agrees to accept the resident to be transferred or discharged. Confirmation may be in writing or verbal. If verbal, the transferring facility needs to document the date, time, and person that the receiving facility communicated agreement.

The CMS guidance that includes the blanket waivers for Long-Term Care Facilities, SNFs and NFs is found [here](#).

