

MARCH 19, 2020

Best Operational and Compliance Practices for Long-Term Care Providers in Response to COVID-19

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Long-term care facilities, including nursing homes and assisted living facilities, are at high risk of being affected by COVID-19 due to their congregate nature and the type of residents population served (e.g., older adults often with underlying chronic medical conditions). The following summary outlines recommended operation and compliance practices for long-term care facilities when implementing policy changes in response to the COVID-19 pandemic.

1. Monitor Local and State Health Department Guidance:

In response to the need for up-to-date information and guidance on COVID-19, most state health departments have established COVID-19 specific websites or webpages to consolidate the state's response efforts and guidance documents. These websites generally include specific resources for healthcare and residential care providers. Because the long-term care resident population is particularly at risk of COVID-19, many states have established specific guidance for long-term care facilities, addressing key policy questions including but not limited to visitors, admissions¹, infection and control procedures, testing procedures and prioritization hierarchies, and reporting requirements. Policy updates may also be published through announcements and Executive Orders issued by the state Governor's office.

As the situation continues to evolve, many states are updating their guidance multiple times per day. Policies regularly change from recommended best practice to mandatory and often go into effect immediately upon publication. Because non-compliance can, in some cases, lead to a myriad of penalties, we suggest that long-term care facility owners, operators, and managers look for changes in applicable guidance multiple times per day in order to ensure ongoing compliance.

In addition, long-term care facilities should stay abreast of Federal policy and guidance changes through the Centers for Medicare and Medicaid Services (CMS), United States Department of Human Services (HHS), and Centers for Disease Control and Prevention (CDC). Many states refer providers to CMS, HHS, and CDC requirements and guidance, even for facilities that are not directly subject to Federal oversight.

2. Document All Changes in Policies and Procedures:

Providers should document all changes to their policies and procedures that are made in response

¹ For more information on admission guidance, see [COVID-19 and Compliance: What Assisted Living Facilities Need to Know Today about Resident Admissions](#).

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to the COVID-19 pandemic. Providers should retain documentation to support why the changes were made including copies of any relevant orders, notices, or guidance recommendations from state or local authorities. Because state guidance documents are being regularly updated online, we recommend printing or downloading documents with relevant guidance, so that the original source information is accessible even after changes are made.

There may be emergency situations in which long-term care facilities have to adapt standard policies based on immediate need in the absence of clear written federal, state, or local guidance. In these situations, the facility should use best judgment and document any changes as well as the reason why the deviation from standard policy was necessary.

These documentation efforts will help establish clear and uniform standards for all employees and residents, even as the facilities policies adapt in response to COVID-19. In addition, by maintaining evidence of all changes and why the changes were made, long-term care facilities can support the reasonableness or necessity for those changes in the event that the appropriateness of the action is questioned in the future.

3. Promptly Communicate Changes to Staff, Residents, and Representatives:

Long-term care facilities should promptly communicate any facility-wide policy changes to all employees, both clinical and operational. Changes in policies and procedures should be communicated in a uniform manner, so that all employees are provided with the same information at the same time, in order to ensure all employees apply the same standards. Again, it is important to document all such communication efforts, as best practices and policy recommendations change. In addition, relevant updates should be timely provided to residents, representatives, and families when policy changes have the potential to affect residents' experience. Key topics include changes to admissions, visitor policies, and community activities.

With the constantly evolving regulatory response to the COVID-19 pandemic, AGG has devoted significant attention to staying up to date on state and Federal developments and is available to assist owners, operators, and managers in navigating these issues.

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