

CMS Announces Enhanced Nursing Home Reporting Requirements

On April 19, CMS announced two new reporting requirements for nursing homes: first, nursing homes will now be required to inform, on an ongoing basis, residents, their families, and representatives of confirmed or suspected COVID-19 cases in their facilities. Second, nursing homes will now be required to report confirmed or suspected staff and resident cases of COVID-19 directly to the Centers for Disease Control and Prevention (CDC) for surveillance and tracking purposes.

Mandatory Resident and Representative Notification

CMS indicated that further regulatory guidance would soon follow the announcement, but once in effect, nursing homes will be required to inform residents and their representatives within 12 hours of the occurrence of **either**: 1) a single **confirmed** infection of COVID-19, **or** 2) **three or more residents or staff** with new onset of respiratory symptoms that occur within 72 hours of each other. Facilities will also be required to provide updates to residents and their representatives on either a weekly basis or each subsequent time the facility discovers a confirmed infection and/or whenever three or more residents or staff with new onset of respiratory symptoms occurs within 72 hours of each other.

All reporting must be in accordance with federal and state privacy laws and should not include any identifiable information. Facilities should also include information pertaining to the infection control and mitigation steps taken to help prevent the virus's spread in these reports, as well as any operational changes made as a result. Facilities that fail to comply with these requirements may face enforcement actions from CMS.

CDC Reporting

Currently, nursing homes are required to report: 1) suspected or confirmed COVID-19 cases, 2) residents with severe respiratory infection resulting in hospitalization or death, and 3) any instances of more than three residents or staff with new-onset respiratory symptoms within 72 hours of each other to state and local health departments in accordance with existing infection tracking and control requirements. CMS's announcement advises that facilities now must also report this information directly to the CDC, and that it would be releasing further guidance on reporting logistics and informational requirements, including how to upload information into the CDC's National Health Safety Network. CMS further indicated that this information may be retained and publicly reported in accordance with applicable law.

CDC guidance for long term care facilities can be found [here](#).

CMS' full announcement may be found [here](#).



Danielle E. Sapega

Member

dsapega@cozen.com
Phone: (215) 665-4701
Fax: (215) 717-9529

Related Practice Areas

- Health Care & Life Sciences