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CARES Attestation Window Extended, Updated Guidance & Financial Resources

On Friday May 22, U.S. Department of Health and Human Services (HHS) extended the CARES Act Provider Relief Fund attestation window. This allows time to address additional questions and to offer providers time to collect necessary payment portal information. In the [press statement](#), HHS announces that the attestation window and related acceptance of Terms and Conditions has been extended from 45 to **90 days from the date a provider received a payment to attest to and accept the [Terms and Conditions](#) or return the funds**. Providers should have received emailed letters from HHS on Friday. Providers should have received emailed letters from HHS on Friday.

Members will need to identify the dates of each relief payment and identify their new attestation and Terms and Conditions acceptance date based on the extension. HHS updated the Fund [FAQs](#) twice this past week.

AHCA/NCAL has updated the [COVID-Related Cost and Loss Calculator](#) and prepared a [guidance document](#) on the CARES Act Provider Relief Fund (member login required for both resources). The guidance includes:

- Updated AHCA/NCAL CARES Act Provider Relief Fund FAQs;
- A merged version of Tranches 1 and 2 Terms and Conditions with easily identifiable changes as well as a redline version of the SNF Allocation Terms and Conditions showing differences relative to the Tranches 1 & 2 Terms and Conditions. SNF Allocation has its own Terms & Conditions. Each of the three versions of the T&C must be attested to using TINs and award dollar amounts; and
- A table containing key FAQs and AHCA/NCAL interpretations of HHS guidance.

Questions about Award Amounts

If you have questions or concerns about Tranches 1, 2, 3 awards, contact the HHS Hotline at (866) 569-3522. HHS reported on Friday that the call center now has access to additional data and new HHS guidance to better answer questions. When calling have the following information ready:

- TIN(s)
- CCN(s)
- Dollar Amount in question by tranche and by building

Also, if questions about Tranche 3, the SNF Allocation, also have the number of SNF certified beds (Medicare, Medicaid or both) as well as the amount you received and the amount you believe you should have received.

For Tranches 1 and 2, in its May 14 FAQ update, HHS provided an explanation of why a building might not have received a Tranche 2 allocation. The FAQ provides a formula and explanation of how a Tranche 1 award may have impacted eligibility for Tranche 2. See FAQs on page 7 of the updated [FAQ document](#). HHS added Change in Ownership (CHOW) FAQs as well as TIN FAQs. The latter FAQs are called out in the AHCA/NCAL Guidance document in addition to inclusion in the HHS FAQs.

Next Steps – Additional CHOW, TIN, and Other Questions

AHCA/NCAL will continue to submit questions and examples of challenging fund scenarios to HHS including CHOW, TIN aggregation, disaggregation, and additional questions about financial terminology and use of tax filing data for validation. However, HHS has verbally indicated the Department's goal is "maximum flexibility." While we will continue work with them during the additional assentation window time, it is possible they will defer to reconciliation and reporting documentation to address all scenarios.

Updated NCAL Guidance on Reporting in Assisted Living Communities

NCAL has updated [guidance](#) on notifications and reporting confirmed cases of COVID-19 in assisted living communities. NCAL encourages all assisted living communities to follow state and local requirements for reporting. Providers should use documented reporting information when reaching out to local county and state health departments when requesting assistance for supplies, such as personal protective equipment.

NHSN Update and FAQs

Nursing facilities were required to submit their first set of data to NHSN by 11:59 pm on May 17, 2020 to be compliant with the [new requirements](#). Facilities may choose to report more frequently, but at minimum must report at least once every seven days. The initial two-week grace period ends at 11:59 pm on May 24, 2020. Facilities that fail to begin reporting after the third week, ending at 11:59 pm on May 31, will receive a warning letter reminding them to begin reporting the required information to CDC/NHSN. Facilities who have not

started reporting in the NHSN system by 11:59 pm on June 7th, ending the fourth week of reporting, CMS will impose a per day (PD) CMP of \$1,000 for one day for the failure to report that week. Each subsequent week that the facility fails to report will result in an additional one day PD CMP imposed at an amount increased by \$500.

[NHSN](#) updated the instructions for the pathway forms on May 12. When completing the data collection and upload, be sure that you are using the most [current instructions](#). You can find the new instructions on the NHSN website. During one of the NHSN data reporting webinars, the NHSN team identified that each item question must have an answer entered or it will be counted as missing data and it will be counted as not being reported. When you enter count data, even if the answer is nothing or zero, you must enter 0 in the data field. If you leave it empty, it will be flagged as “no answer”.

According to the CDC, “to maintain consistency in reporting, if a facility is using crisis level strategies” the facility is experiencing a shortage. “In other words, PPE strategies that do not commensurate with U.S. standards of care are considered as a shortage. For information in relation to CDC’s optimization strategies for PPE (standard, conventional, and crisis), we encourage facilities to refer to [Optimize PPE Supply website](#).

A center can easily identify if they are missing data in the NHSN module by reviewing the calendar view page. Any pathway that is incomplete will be highlighted as a tan color. Pathways highlighted as green indicated all questions were answered. Missing pathway means the pathway has not been started. As of right now, NHSN does not send notices for incomplete data. Centers are encouraged to review the calendar view to ensure all four pathways are highlighted in green to ensure compliance with reporting to NHSN.

Centers are continuing to report a delay in being able to register and upload data to NHSN. There are also centers who are reporting significant delays in having their questions answered via NHSN help desk. Centers who are experiencing delays are encouraged to keep documentation of all attempts of contacting NHSN and any communications you have with them.

Some centers are reporting that they are not receiving the Agreement to Participate and Consent email. If this is happening to your center and you do not receive the Agreement to Participate and Consent in your inbox for whatever reason, you should follow these instructions:

1. Log-in to [SAMS](#).
2. Select Long-term Care Facility Component and your facility/group name.
3. Click “Submit” to review the “Agreement to Participate and Consent”.
4. Click ‘Accept’ next to the appropriate contact name.
5. Click “Submit”. A pop-up notification will appear confirming this action.
6. Click “ok” to acknowledge the notification.

If you log in to SAMS and see the “Annual Survey” alert on your facility homepage, you should follow these steps to remove the alert:

1. On the facility homepage, click "Survey Required 2020" alert on the facility homepage to be directed to the online survey

2. Complete the "Facility Characteristics" section and scroll to the bottom to click "save" to submit your survey.

CDC Posts NHSN Training Recording and Offers Webinar for Groups

The COVID-19 Module Overview for Long-term Care Facilities recorded video presentation and slideset are now available on the [COVID-19 LTCF Module webpage](#), as well as COVID-19 Module Enrollment Guidance for LTCF under **Training**.

2020 Hurricane Season During COVID-19

Webinar: Wednesday, May 27, 2020

1 p.m. to 2 p.m. ET

[Register](#)

CDC experts will discuss possible health risks that could come from hurricanes combined with COVID-19; planning for the 2020 hurricane season while adhering to guidance on social distancing; and how community leaders, nonprofit organizations, and public health professionals can effectively communicate messages. Closed captioning will be available.

Senate Hearing on Caring for Seniors Amid the COVID-19 Crisis

On Thursday, May 21, U.S. Senate Special Committee on Aging Committee held a hearing entitled, "[Caring for Seniors Amid the COVID-19 Crisis](#)." The hearing featured three non-governmental witnesses that discussed how COVID-19 is affecting seniors, especially seniors receiving care in skilled nursing facilities, as well as other topics including personal protective equipment, infection control, data collection, regular testing of residents and staff, pandemic health care provider funding, and vaccines and treatments.

AHCA/NCAL submitted a [statement for the record](#). You can watch a [video recording](#) of the hearing, and read the [majority](#) and [minority](#) press statements of the U.S. Senate Aging Chairman and Ranking Member.

Please email COVID19@ahca.org for additional questions, or visit ahcancal.org/coronavirus for more information.

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