

## Eli's Hospice Insider

### Compliance: Medicare's Newest SNF Visitor Guidance Could Help Ease Access Issues

#### **Beware new problem: SNFs billing hospices for staff COVID tests.**

While hospice staff access to patients residing in facilities has improved, providers continue to wrestle with the issue. New guidance from CMS may help.

**In review:** As COVID-19 swept through nursing homes, facilities locked down access to any non-employees to curb risk. Even when the Centers for Medicare & Medicaid Services urged nursing homes to allow hospice workers in, through frequently asked questions and September 2020 survey guidance, many agencies have reported lack of access continuing.

Unintended negative consequences of the access barriers include reduced referrals from facilities and for facility residents, increased low utilization payment adjustment (LUPA) episodes, and impact on quality scores when agencies can't provide their full array of usual services.

On the other hand, a positive consequence has been an increase in demand for hospice care, as family and caregivers strive to keep loved ones out of facilities to avoid both risk of COVID contagion and social isolation due to barred or limited visitation.

Now, CMS has updated its "Nursing Home Visitation - COVID-19" guidance document to account for vaccination, and the changes may assist hospices in gaining much needed access to patients.

"Facilities should allow indoor visitation at all times and for all residents (regardless of vaccination status), except for a few circumstances when visitation should be limited due to a high risk of COVID-19 transmission," CMS says in the updated guidance letter to state survey agencies.



Facilities should limit indoor visitation when the nursing home's COVID-19 county positivity rate is greater than 10 percent **and** less than 70 percent of residents are fully vaccinated, CMS instructs. They also should limit visits for residents with confirmed COVID-19 or who are in quarantine.

**Plus:** "When a new case of COVID-19 among residents or staff is identified, a facility should immediately begin outbreak testing and suspend all visitation ... until at least one round of facility-wide testing is completed," the memo adds. Then the nursing home can resume visitation based on specified testing results.

Even if some residents test positive, "while outbreaks increase the risk of COVID-19 transmission, a facility should not restrict visitation for all residents as long as there is evidence that the transmission of COVID-19 is contained to a single area (e.g., unit) of the facility," CMS says.

#### **Compassionate Visits At End Of Life Trump Restrictions**

**Exception:** "Visits for compassionate care, such as an end-of-life situation or a resident in decline or distress should be allowed at all times for any resident (vaccinated or unvaccinated), regardless of the above scenarios," CMS says in a fact sheet about the guidance. "In addition, facilities and visitors should continue all infection prevention and control practices."

The guidance includes no new hospice-specific provisions. But it does retain the instruction that "health care workers who are not employees of the facility but provide direct care to the facility's residents, such as hospice workers, ... social workers, clergy, etc., must be permitted to come into the facility as long as they are not subject to a work exclusion due to an exposure to COVID-19 or showing signs or symptoms of COVID-19 after being screened."

And presumably, the newly stated policy covering surveyors and vaccination would also apply to hospice workers: "Federal and state surveyors are not required to be vaccinated and must be permitted entry into facilities unless they exhibit signs or symptoms of COVID-19. Surveyors should also adhere to the core principles of COVID-19 infection prevention, and adhere to any COVID-19 infection prevention requirements set by state law."

This guidance doesn't necessarily help with one new problem cropping up with hospice access, notes National Association for Home Care & Hospice President **William Dombi**. "Facilities are demanding current COVID-negative test results and some are billing hospices for test they administer to hospice staff," Dombi tells AAPC.

Note: The 8-page memo is at [www.cms.gov/files/document/qso-20-39-nh-revised.pdf](http://www.cms.gov/files/document/qso-20-39-nh-revised.pdf).