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Welcome ICF Providers!

**COVID-19 Updates and Q&A with LTC
Regulation and DSHS**

November 2, 2020

For more information:

Web: <https://hhs.texas.gov/services/health/coronavirus-covid-19/coronavirus-covid-19-provider-information>

Email: PolicyRulesTraining@hhsc.state.tx.us

Phone: 512-438-3161

COVID-19 Updates

Panelist

Susie Weirether
IDD Policy and Rule Manager
Policy, Rules and Training
Long-term Care Regulatory



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Reminder

Sign-up for GovDelivery to sign-up for Alerts:

Go to:

<https://service.govdelivery.com/accounts/TXH/HSC/subscriber/new>

- Enter your email address.
- Confirm your email address, select your delivery preference, and submit a password if you want one.
- Select your topics.
- When done click "Submit."



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2020 ICF Provider Conference

Virtual webinars scheduled for November 18, 2020

Participants can choose their topics.

- **Top 10 Citations**
9:30 a.m. to 12:00 p.m.
1.5 hours of CEUs Available
[Register for the Top 10 Citations Webinar](#)
- **Infection Control**
1:00 p.m. to 3:00 p.m.
1.5 hours of Nursing Continuing Professional Development Contact Available
1.5 hours of Continuing Education for Social Workers Available
[Register for the Infection Control Webinar](#)



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[Email Kirsten Notaro](#) with questions or requests.

Visitation Resources



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The following resources are available on the [ICF Provider Portal](#):

- [Expanded Reopening Visitation Rules](#)
 - Under "COVID-19 Resources"
- [Provider Letter 20-43](#)
 - Click on "Provider Communications"
- [Visitation FAQ](#) - *posted 10/27/20*
 - Under "COVID-19 Resources"



Form 2195 Updates

Providers have until **November 13, 2020** to submit the Form 2195 for visitation designation or for exemption requests.



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Form 2195 is part of [PL 20-43](#).



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COVID-19 Vaccine Updates

The CDC is partnering with CVS and Walgreens to offer on-site COVID-19 vaccination services for individuals of long-term care facilities once vaccination is available and recommend for them.

The program:

- Provides end-to-end management of the COVID-19 vaccination process
- Reduces the burden on LTC facilities and jurisdictional health departments.

The services will be available in rural areas that may not have easily accessible pharmacies.



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COVID-19 Vaccine Updates

The pharmacy will:

- Schedule and coordinate on-site clinic date(s) directly with each facility. Three visits over approximately two months will likely be needed to administer both doses of vaccine and vaccinate any new individuals and staff.
- Order vaccines and associated supplies (e.g., syringes, needles, personal protective equipment).
- Ensure the specific temperature requirement for storing each vaccine is followed.
- Provide on-site administration of vaccine.
- Report required vaccination data (approximately 20 data fields) to local, state/territorial, and federal jurisdictions including the Texas Immunization Registry, ImmTrac2 within 72 hours of administering each dose.
- Adhere to all applicable Centers for Medicare & Medicaid (CMS) COVID-19 testing requirements for LTCF staff.

If interested in participating, the registration process must be completed by **Friday November 6, 2020**. Registration information can be found at [COVID-19 Vaccination-Pharmacy Partnership for LTCR](#).



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COVID-19 Testing Updates

Texas is distributing test kits to certain ICF providers located in counties where the COVID-19 positivity rate is greater than 10 percent for the specific purpose of testing essential caregivers.

Per [Expansion of Reopening Visitation Emergency Rule](#), an essential caregiver is defined as:

“A family member or other outside caregiver, including a friend, volunteer, private personal caregiver or court appointed guardian, who is at least 18 years old and has been designated by the resident or legal representative to provide regular care and support to a resident.”



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COVID-19 Testing Updates

The facility must attest that it meets the requirements, and will:

- only use test kits to test essential caregivers;
- administer the test by trained staff; and
- report test results appropriately.

The [attestation form](#) includes instructions on how to proceed with the request.

- The purpose of the form is to provide a process to request a possible resource for limited circumstances. The limitations are in place to help prioritize requests.
- If a provider does not meet the attestation criteria, they can still submit the form and make a case and it will be evaluated.



COVID-19 Testing Updates

- The attestation form must be submitted to the RD in the region in which the facility is located.
- The RD will then elevate the form to the State Operations Center.
- LTCR and TDEM will review the completed attestation form. Staff may require and request documentation from the facility to support the attestation.
- If the facility meets the free kit criteria, LTCR and TDEM staff will approve the facility for distribution of the free kits.



COVID-19 Testing Updates

The provider:

- must have a current CLIA waiver before it can receive and administer the free COVID-19 tests.
- can apply for a CLIA waiver by filling out [Form CMS-116](#) and sending it to the regional CLIA licensing group for the zone in which the facility is located.

Providers that have an existing CLIA Certificate of Waiver and are using a waived COVID-19 test are not required to update the CLIA Certificate of Waiver.



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COVID-19 Testing Updates

Providers performing the COVID-19 testing must report test results (positive, negative, or indeterminate) for each essential caregiver tested:

- to the Department of State Health Services (DSHS) and local health departments for all testing completed
- in accordance with Governor Abbott's Executive Order [GA-10](#) and applicable Texas statutes and rules.

COVID-19 Testing Updates

Attestation Form

Nursing Facility (NF), Assisted Living Facilities (ALFs) and Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID)

I, the undersigned with responsibility for _____
(name of NF, ALF or ICF/IID), attest that I understand all the requirements associated with a NF, ALF or ICF/IID qualifying to receive and administer free test kits to essential caregivers. I attest that _____ (name of NF, ALF or ICF/IID) (please check each box):

- has a current CLIA waiver; *
- is located in a county where the COVID-19 positivity rate is greater than 10%;
- is located in a rural area where there are limited free test sites available; and
- is not part of a large corporation.



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COVID-19 Testing Updates

Attestation Form (Cont.)

I further understand and agree that _____
(name of NF, ALF or ICF/IID) will (please check each box):

- continue to seek out community resources to secure testing;
- only use test kits to test essential caregivers;
- administer the tests by NF, ALF or ICF/IID staff who successfully complete training provided by the Texas Division of Emergency Management;
- follow all reporting requirements associated with the use of BINAX cards; and
- report test results appropriately.



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COVID-19 Testing Updates

Attestation Form (Cont.)

Facility Name	Facility ID
Number of BINAX cards needed per week	Number of weeks BINAX cards are needed
Printed Name of Authorized Person	Title



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Submit the signed attestation form to: LTCR [Regional Director](#) for the [region in which the facility is located](#).

Useful Links

- [CMS county positivity rates](#)
Scroll down to section titled "COVID-19 Testing"
- Information regarding the [CLIA waiver](#)



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COVID-19 Testing Q&A

Question:

Can the provider require more stringent testing than what is required in rule?

Answer:

The essential caregiver must have a negative COVID-19 test result from a test performed no more than 14 days before the first essential caregiver visit, but the facility can implement its own testing strategy in addition to the initial test.

COVID-19 Updates

Panelist

Kirsten Notaro
ICF Policy Specialist
Policy, Rules and Training
Long-term Care Regulatory



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CMS QSO 20-41

CMS published [QSO 20-41](#): Guidance Related to the Emergency Preparedness Testing Exercise Requirements

- If an ICF activates their emergency plan, they are exempt from the next required full-scale or facility-based exercise.
 - Many IFCs are activating their emergency plans related to COVID-19 and staffing.
- Adds mock drill as an exercise of choice in the tabletop exercise types.
- Informs providers that the interim final rules from last year are finalized, specifically:
 - ICFs do not have to document their efforts to coordinate with local EP officials
 - ICFs have to update their emergency plan and retrain staff at least every two years.

COVID-19 Updates

Panelist

Texas Department of State Health Services

- Updates



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COVID-19 Q&A

Panelist

Dana Williamson

Director, Policy Development and Support
Medicaid/CHIP

-
- Updates



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COVID-19 Updates

Panelist

Mary Valente, MPAff, LBSW, SMQT, CMDCP
Policy Development Support Office
1915(b) Waivers Support
ICF Medicaid Policy Specialist
1915(c) Waivers Special Projects



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-
- Updates
 - Q&A

Mini Training

Panelist

Melodee Duesing
ICF Training Specialist
Policy, Rules and Training
Long-term Care Regulation



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COVID-19 Updates

Panelist

Kirsten Notaro
ICF Policy Specialist
Policy, Rules and Training
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COVID-19 Q&A

Question:

If an essential caregiver doesn't follow the rules or guidelines, can we refuse visitation to them?

Answer:

It depends. If the visitor simply forgets and it is apparent that the act (such as a hug or quick removal of the mask) was an accident, then the facility might just remind the visitor of the requirements. If the visitor is unwilling or unable to follow the requirements the ICF can bar them from visiting.



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COVID-19 Q&A

Question:

How long are exceptions once you are granted an exception with form 2195?

Answer:

It depends on the situation. For example, if the ICF is a home that doesn't have room for an indoor plexiglass barrier (it is too small, and the barrier blocks all the entries and exits) that may qualify for a long exception because it may be impossible to reconfigure the home.

HHSC 2020 COVID-19 Impact Survey



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Help the Texas Health and Human Services Commission assess the financial, utilization and process impacts of COVID-19 on HHSC health care providers by taking our COVID-19 Impact Survey.

[Take the survey.](#) We appreciate your helping us understand how we can better assist you during this critical time.

The questions should take about 20 minutes to complete. [The survey is now open and will remain open until 5 p.m. on Nov. 10.](#) Your participation is voluntary and valued. We look forward to your feedback.



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Thank you!

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