# Frequently Asked Questions: Long Term Care & COVID-19

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1. **Are there any updates on the COVD testing that is required of staff and residents in nursing homes?**

Yes. You may remember that MDHHS issued an Epidemic Order on June 15th which requires nursing homes to conduct baseline testing. It also requires weekly testing of all staff including contractors that are in the facility on a weekly basis, and on-going testing of residents when there is a new onset of a COVID case in the nursing home. Yesterday, Administrator Seema Verma, she’s the lead of the Centers for Medicare and Medicaid Services, announced that CMS is going to deliver point-of-care testing equipment to all nursing home in the country. The press release goes on to state that CMS will prioritize “hot spots” and those nursing homes will receive the equipment as early as next week. We do not know when Michigan will receive this important equipment, but we are pleased that nursing homes will be able to conduct tests and get results within hours. It has been reported by some, that there previously was a 20% error rate with this particular test.

1. **What support is there for testing of residents in adult foster care or homes for the aged facilities who are not able to do drive-through testing?**

This question has been asked by a few providers and families. We don’t have an answer for how this can happen, but we did bring up the issue during AFC/HFA Testing Work Group meetings. We also sent an email directly to the facilitator of those meetings to seek a response. In the meantime, we suggest contacting your local health department to see if they are able to accommodate on-site testing or reach out to the Regional Healthcare Coalition to make them aware of the need.

**Let’s take a few minutes to review the information we previously shared regarding the MDHHS order for allowing visitation in long term care settings.**

1. **Can you share again what kind of facilities the MDHHS order covers?**

The order issued on June 29th applies to a wide array of licensed and unlicensed long term care facilities. It applies to:

* homes for the aged
* nursing homes
* adult foster care facilities
* hospice facilities
* substance abuse disorder residential facilities
* independent living facilities, and
* assisted living facilities

1. **How does this Order from MDHHS jive with the Executive Order 2020-136 which the Governor issued on June 26 and which talks about restrictions on visitation?**

The Governor’s most recent Executive Order on this issue has similar language to previous executive orders that have been in place since March and that barred most visitors. The latest order explains that the Director of MDHHS can issue orders and directives to implement the Governor’s Executive Order and to better explain any exceptions to the general ban on visitors. The MDHHS Order is meant to provide more detailed guidance than is offered in the Executive Order. This is really the document we have been waiting for to clarify what visits should be allowed now.

1. **We have talked a lot about when a resident on hospice can receive visitors. Many facilities thought visits had to be limited to the last hours of life. Is that right?**

Fortunately, that is not right. The MDHHS order clarifies that there are two circumstances in which people nearing the end of their lives can receive visitors. They are:

* Residents enrolled in hospice services, regardless of whether the resident appears to be in serious or critical condition or at the end of life; and
* Residents receiving end of life care who are not enrolled in hospice.

1. **Can residents who have a serious decline receive visitors even if they are not necessarily at the end of life?**

Yes. The Order gives two situations in which residents not at the end of life could receive visitors because their condition has significantly declined:

* Residents whose wellbeing is at significant risk, based on the clinical judgment of a treating medical professional, where family visits are a potentially effective intervention; and
* Residents who experience a significant adverse change of condition.
* We know that there may be differences of opinion about when a resident’s wellbeing is at significant risk, when family visits would be effective in addressing that situation, and when a resident has a significant adverse change of condition. But we are grateful that the language opens up some opportunities for visits when something worrisome is going on.

1. **Are there other circumstances in which a resident could have a visitor right now?**

Yes. The Order addresses residents whose family or friends need help with activities of daily living, like help at mealtime. They are also allowed if effective communication is not possible otherwise because the resident has hearing, vision, or speech impairments and that other kinds of communication that are not in person won’t work. These visits are allowed if:

* The arrangement for the family or friend to provide that help existed before March 14, 2020 when the lockdown went into effect *or* become necessary in light of a change in the resident’s condition, such as if the resident is now refusing to eat.
* The resident’s situation could be improved with assistance from a friend or family member helping with an activity of daily living, like help at mealtimes to ensure adequate nutrition.
* The visits are so the friend or family member can assist with an activity of daily living such as help with meals to ensure adequate nutrition
* The visitor wears a mask at all times (but does not have to maintain social distance).
* The visitor knows how to perform the assistance and is observed or trained to make sure the visitor is doing the task correctly.
* These visits must be scheduled in advance for a specific activity of daily living and must occur in the resident’s room or a room designated by the facility.

1. **You mentioned some requirements for visitors who are visiting to help with an activity of daily living. Are there any general requirements for all visitors that we should expect the facilities to follow?**

Yes. There are many required procedures for these visits. These include:

* When visitors arrive, they should see signs that say all visitors must be screened and no one can enter if they have symptoms of COVID-19
* Visitors can enter only through entrances where they will be screened and must be screened each time they enter the facility. Visitors who don’t pass the screening—if, for example, they have a fever or have been exposed to someone with the virus—cannot enter the facility. If visitors do pass, their movement in the facility on the way to visit residents should be limited to reduce exposure.
* Visits can be by appointment only and facilities can impose reasonable time limits and must log arrival and departure times.
* Residents will be limited to no more than 2 visitors at a time
* Only those visitors who are able to wear face covering for the whole visit and follow hand hygiene requirements are allowed in.
* Facilities must make hand sanitizer or hand washing available to visitors and post information on proper hand washing and sanitation.
* Facilities have to make staff who are trained in infection control available to assist with the visitor protocols, monitor visits, and clean after each visit.
* Visits should be outdoors if possible (with appropriate protections like shade) or in the resident’s room (if a single) or other location in the facility. If residents have to be transported outside their rooms for a visit, they cannot be taken through a COVID unit or exposed to residents who have COVID or may have it.
* Facilities must provide PPE if necessary to visitors and instruct visitors how to use it
* Maintain social distancing (unless helping with ADLs)
* Visitors and residents are not supposed to share food
* Visitors who develop symptoms of COVID-19 within 14 days of a visit to a facility must notify the facility.
* No visits will be allowed with COVID-positive residents or those under observation for COVID-19

1. **There are a lot of requirements for facilities before they can allow visits and we know they are already understaffed in many cases. Can a facility just say they won’t allow the visits because they cannot comply with all the requirements?**

We have been advocating for language that requires facilities to facilitate visits whenever possible. We anticipated that some facilities would think it was easier and more convenient for the facility to just say no to visits. We were pleased to see language that facilities must:

* Make their best efforts to facilitate visitations with individuals under their care by phone or other electronic communication platforms to the fullest extent possible
* Attempt to contact the resident’s next of kin to establish arrangements when a visit to help with an activity of daily living would be permitted. So these facilities can’t just wait for families and residents to find out themselves that visits might be allowed; the nursing home or other facility has a duty to tell people when a visit should be allowed.

1. **Can a facility refuse a visit even if the residents meets the criteria in the MDHHS order?**

Unfortunately, yes, the facility could refuse to allow a family member to visit if the facility is not able to provide for a safe visit. The facility may not have a staff person to screen the visitor, supervise the visit to ensure physical distancing and face coverings are honored, or they may have a current onset of a COVID case. We also believe that facilities will continue to ban visitors while the state is seeing an increase in community spread due to the fear of brining COVID into the building.

1. **What remedy is there if the facility still refuses to allow visits or unduly restricts visits even in the circumstances described in the Order or if there is disagreement if a situation falls within the Order or not?**

Please call your local ombudsman for help with these situations if they occur in a licensed facility. Please call the MEJI office at 517-827-8010 if they occur in an unlicensed facility. We are all still learning how this Order will be implemented and the remedies are not entirely clear, but we are glad to try to help work through these situations to permit visits when they should be permitted.

1. **If family members are not allowed to visit, what other actions can be taken if there are concerns about the resident not receive appropriate care and services?**

Families and residents can file a complaint with the Michigan Department of Licensing and Regulatory Affairs. For a nursing home complaint, call 800-882-6006 and for a Home for the Aged or Adult Foster Care compliant, call 866-856-0126. You may also call your local ombudsman at 866-485-9393 to ask for guidance on filing a complaint. At this time, the federal government has restricted the survey activities so not all complaints are being investigated at this time. It’s important to share as many details as you can and stress how the issue is having a negative impact on the resident and causing a serious decline (weight loss, no longer walking, developed pressure ulcers, fell when assistance was not provided, etc.)

1. **Were there any Executive Orders issued this week that impact long term care?**

Yes, Governor Whitmer issued Executive Order 2020-151 which extends the state of emergency through August 11, 2020. She issued Executive Order 2020-148 which offers protections for staff and residents of long term care facilities (such as protections against involuntary discharge due to non-payment, protects the residents right to return to the facility is they temporarily move to the community, requires facilities to create COVID19 units to cohort residents, authorizes MDHHS to designate facilities as Regional COVID Hubs). She also issued Executive Order 2020-147 which requires the wearing of a face mask with limited exceptions.

1. **Is there any opportunity tell the federal government how COVID is impacting our loved ones in long term care settings?**

Yes. The Commission on Safety and Quality in Nursing Homes is [**accepting ideas and suggestions from the public**](https://default.salsalabs.org/Tbed38fb8-7d75-4f4b-9c74-a5f53f1d5856/2f88a33c-bd1b-4724-99a8-ab5f8d8a5942) until 5pm Friday, July 17. Members of the public have the opportunity to provide their perspectives based on their experience with nursing homes.The Commission will conduct a comprehensive assessment of the nursing home response to the COVID-19 pandemic to inform current efforts to safeguard the health and quality of life of residents, and prepare for future threats to resident safety and public health.  We have provided the link in the Chat box. ([**Submit your thoughts here**](https://default.salsalabs.org/Tfe5709fd-af86-472d-bc82-9d07161fd953/2f88a33c-bd1b-4724-99a8-ab5f8d8a5942))  You can also email us at MLTCOP@meji.org for the link.Comments are limited to 500 characters.