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

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1. **I understand the state was required to do infection control surveys at every nursing home. Have they completed those? How can I find out what the results were at my mom’s home?**

A: Yes. The Department of Licensing and Regulatory Affairs was required by the federal government to do surveys (inspections) at every nursing home in the state that participates in Medicaid and Medicare. We understand that as of June 19, LARA completed 439 infection control inspections and all of the nursing homes in Michigan that participate in Medicaid and/or Medicare. Those surveys are public records and are available on the SPOTS website we have mentioned before. But there is a lag time between when the surveys are completed and when they are posted on the public website.

1. **We heard that your office was sending the surveys that showed serious infection control problems to the legislators and local officials in whose communities those facilities are located. Is that right? What kind of response did you get?**

Yes. We have been sending the surveys that found residents were in Immediate Jeopardy to the State Representative and State Senator in whose districts those facilities are located and to the mayor or local authority. Immediate Jeopardy citations are the highest level of citation a facility can receive. We think public officials should have easy access to public documents and think most elected officials would want to know if their constituents who live in those facilities have been determined to be in Immediate Jeopardy. We have gotten a good response from elected officials who have frequently followed up with us or with the nursing home to find out how things are going at that home now. The elected officials seemed both genuinely concerned and curious to learn more about how the inspection process works and what happens after a facility receives an Immediate Jeopardy citation.

1. **What does happen after a facility receives one or more Immediate Jeopardy cites?**

If surveyors think there is Immediate Jeopardy, they cannot end the survey until the facility has fixed whatever caused the immediate concern. That does not mean that everything is perfectly resolved, but it does mean that the surveyors feel the most critical and worrisome aspect of the problem has been addressed. Nursing homes then have to submit a plan of correction to the state for its approval. For all serious citations, the state is supposed to go back to the nursing home to verify that it has corrected the problem. If it is a less serious citation, the state can do a “desk review” where they review documentation and other information the nursing home has submitted at LARA’s office to see if they think the nursing home has resolved the problem.

1. **We heard that the surveyors sat out in the parking lot of the facilities but did not enter the facility. How can they know what is going on if they don’t go inside?**

LARA answered this question today at a legislative hearing. They explained that in the very beginning of the pandemic, they did not have enough PPE (personal protective equipment) to go into the nursing homes safely. So they worked from the parking lot outside the nursing homes. After about a week, they said they did obtain the necessary PPE and started conducting surveys in the facility.

1. **I heard they were not talking to residents inside the facilities, just to nursing home staff. How could they know what was really going on?**

LARA testified today that they did talk to residents, as they always did before the pandemic, when they went into nursing homes to conduct the infection control surveys. They also reviewed records and documents, observed staff, and used other tools to assess whether the nursing homes were meeting all the requirements and keeping residents safe.

1. **So how many facilities ended up getting Immediate Jeopardy citations after all these inspections were complete?**

There were about 30 facilities that received at least one Immediate Jeopardy citation. Some received multiple Immediate Jeopardy citations or an Immediate Jeopardy citation and some other less serious citations as well. Most of the Immediate Jeopardy citations pertain to infection control but the State did find some other serious violations.

1. **What happened the nursing homes in the state that don’t participate in Medicaid and Medicare?**

There are just a few nursing homes that do not participate in Medicaid or Medicare but are licensed by the state. At the legislative hearing today, the State testified that the state received extra funding from the federal government to hire more surveyors (inspectors) temporarily and would also be checking up on the facilities that don’t participate in Medicaid or Medicare.

1. **We know the state used a model where nursing homes that served as hubs could accept COVID-positive residents from nursing homes or hospitals. What has happened to the hubs? Are we going to keep using them? Or do we think they were the wrong strategy to safeguard residents?**

At the height of the outbreak in nursing homes, the state had identified 21 hub facilities. Now they have decommissioned a number of them and some that are still identified as hubs have reduced the number of beds in their COVID-positive unit because demand for those beds has, thankfully, declined. If numbers of cases start going up again, those hubs may be brought back online. But the state is not sure if relying on hubs was the best strategy. They have asked Michigan State University and a well-regarded health policy think tank to study the hub experience and recommend what went right, what went wrong, and if it makes sense to continue to use hubs.

1. **I saw a news flash this afternoon that the legislature has passed a law that COVID-positive residents cannot remain in nursing homes. What will happen if my husband develops COVID-19? Will he have to leave his nursing home even if it has figured out how to keep COVID-positive and negative residents safe?**

A bill, Senate Bill 956, has passed the Michigan House and Senate. The House version states that residents with COVID-19 must be taken care of in separate buildings. The version passed by the Senate has different language. So we don’t know how the two bills will be reconciled or if the Governor will sign or veto the bill. It is too early to tell what the impact will be on residents. We will keep you posted on this. We did provide testimony in both the House and the Senate about the questions we had about the bill and the concerns we knew residents and families would have.

1. **What kind of inspections are happening in licensed and unlicensed assisted living facilities?**

There are no inspections in unlicensed assisted living facilities (except for things like the fire code) because the facilities are not regulated by the state. We know there have been efforts by the state to track what is happening in the homes for the aged and adult foster care homes but the inspections are not as rigorous and the whole system of inspecting and sanctioning homes is much more limited. The reports the state issues when it finds problems with adult foster care facilities or homes for the aged are available on a state website but it is a different website than the SPOTS website where you can check nursing home surveys.

1. **I heard there was a new Task Force appointed by the Governor. Has that started to meet and will it look at issues concerning assisted living, too?**

That new Task Force is being “launched” this week and the first meeting is tomorrow. Alison and I are honored to serve on it. But unfortunately, it only applies to nursing homes, not to adult foster care, homes for the aged or unlicensed assisted living facilities.

1. **My mom’s assisted living facility is so strict about whether she can leave the facility and she has to go into quarantine when she comes back. But my mother-in-law is in a facility that lets her go out to the community when she wants or has a doctor’s appointment and she doesn’t have to go into quarantine when she comes back. I don’t understand why the rules are different in two facilities that look pretty much the same?**

The Governor’s Executive Orders and the MDHHS Order from Robert Gordon do not address residents leaving the facility for short outings. And different facilities do handle that issue differently. An ombudsman can help you try to negotiate with the facility if it is a nursing home, adult foster care facility, or home for the aged. Ombudsmen do not have authority or funding to assist people who live in unlicensed assisted living but other staff in our office might still be able to help. You can call 517-827-8010 and we will try to sort out who can best help you.

1. **What happens when a nursing home resident refuses a COVID-19 test but their Health Care Advocate or their guardian wants the resident to have it?**

If a doctor determines that the resident has trouble making decisions, and the resident has a legal guardian or someone acting as his or her power of attorney or patient advocate, the facility should consult that person. He or she can agree that the resident will have the test. If a resident refuses to test, a medical professional should talk to the guardian, power of attorney, or patient advocate about how to move forward but residents should not be forced to have tests if they refuse.

1. **MDHHS issued an order about testing. Does that apply to all long-term care facilities?**

No. There is currently no required testing for facilities outside of nursing homes. MDHHS recommends testing residents who are in the same building as the nursing facility, and more broadly conducting resident testing to the extent possible, but this is not currently required.

1. **Visitors are now being allowed in long term care facilities (not just nursing homes) some circumstances. Do visitors need to be tested under this order?**

No, the testing requirements do not apply to visitors.