

COVID-19 Frequently Asked Questions

COVID-19 has raised a lot of different issues for residents and families of long-term care facilities. Below find some frequently asked questions regarding COVID-19 and its impact on this population. If you have additional questions, please let us know by emailing info@theconsumervoice.org.

Transfers and Discharges/ Leaving the Facility

Is there an order in place restricting new residents or transfers into nursing homes?

There is currently no guidance restricting new residents from being admitted or transferred to nursing homes. Some states are mandating that facilities accept COVID-19 positive patients discharged from hospitals to whatever extent possible. However, there are significant concerns about the impact that will have on the spreading of the virus and the impact on residents. In more recent guidance, CMS has told nursing homes to designate specific facilities or units to separate COVID-19+ patients from those with unknown or non COVID-19 positive status. This could lead to new residents entering and current residents being moved between facilities. Nursing homes should be taking steps to help residents and families understand what is happening, prepare residents as much as possible for the move, make sure their belongings move with them, and give them a choice to whatever extent possible. In these specific cases, notice requirements have been relaxed, however that does not apply to non-COVID-19 related transfers. <https://www.cms.gov/files/document/4220-covid-19-long-term-care-facility-guidance.pdf>

If you or a loved one needs nursing home care, ask questions such as whether anyone in the facility has tested positive for COVID-19, and what steps the facility has taken to protect the residents and staff and prevent the spread of infection.

Why is my loved one being moved so that her nursing home can become a COVID-19 facility?

CMS and the CDC have issued recommendations (<https://www.cms.gov/files/document/4220-covid-19-long-term-care-facility-guidance.pdf>) that nursing homes establish separate facilities or units for residents who are COVID-19 positive. This is because the virus is easily transmitted and can spread quickly inside a nursing home. That said, nursing homes should be taking steps to help residents and families understand what is happening, prepare residents as much as possible for the move, make sure their belongings move with them, and give them a choice to whatever extent possible. For more questions, contact the Ombudsman program. You can find it at https://theconsumervoice.org/get_help.

Can residents be involuntarily discharged or evicted from their facility during the COVID-19 pandemic?

Unfortunately, there are not currently any additional protections for residents who are discharged from facilities. We strongly feel that involuntary discharges should stop during this time period, but this has not happened in most states. If you or a family member receives a discharge notice, contact the Ombudsman program as soon as possible, use this link to locate your state program:

https://theconsumervoice.org/get_help.

I want to take my loved one home during this time, should I?

Whether or not you bring your relative home from their facility depends on many factors. Is your home able to handle your loved ones needs? How will you manage stairs, bathing, lifting and transferring, among other needs? Is someone available to give them the amount of care they require? If outside help is needed, how will you pay for it? Has your relative been tested to ensure they do not have the virus? Have you factored in their opinion of whether they want to stay or go? Is there a plan for what would happen if someone in your home gets infected? What happens if your loved one becomes ill or needs more care than you can provide once they are in your home? Can your loved one return to the facility once the pandemic is over? Discuss these considerations with facility staff. Consider their Medicaid eligibility. Will they have to reapply before going back to a nursing home? Have a plan in place, be sure you understand and can meet their care needs and be prepared to have your loved one with you for an extended period.

Are residents still allowed to go outside, within the grounds of their facility – such as in a courtyard, to get fresh air?

The administration and residents should communicate about needs and expectations around going outside of the facility. If there are no active or suspected cases of COVID-19 in the facility, and residents are accustomed to going outside, then they should still be allowed to go out, as long as they practice social distancing. If there are active or suspected cases in the facility, then CDC has issued guidance restricting residents to their rooms except when medically necessary. If a resident leaves a facility to enjoy the outdoors briefly and is not let back in the facility, contact the Ombudsman program. Visit this page to find your state program: https://theconsumervoice.org/get_help.

Transparency/Disclosure

Are facilities legally required to disclose when they have COVID-19+ residents or staff members?

Yes. Under recent CMS guidance, nursing homes are now required to disclose when residents or staff members are COVID-19+. They are required to report to the CDC suspected or confirmed cases, as well as residents with respiratory infection resulting in hospitalization or death, or three or more residents or staff with new-onset respiratory symptoms within 72 hours of each other. They will be required to

inform residents and their representatives about conditions inside the facility including any occurrences of a confirmed COVID-19 infection within 12 hours. They must also provide weekly updates and include information on actions they're taking to reduce or prevent transmission. Their failure to report could result in enforcement actions against the nursing home. Read the guidance [here](https://www.cms.gov/files/document/qso-20-26-nh.pdf). <https://www.cms.gov/files/document/qso-20-26-nh.pdf>. While assisted living facilities do not fall under this guidance, your state may require them to also disclose cases. It is good practice for all facilities to notify family members when there is COVID in a facility. If you are not receiving communication regarding this from your facility, please contact the Ombudsman program: https://theconsumervoice.org/get_help.

Stimulus Checks

Can a long-term care resident still receive a stimulus check?

Yes. Anyone, including older adults, who makes a gross income of up to \$75,000 qualifies for the full amount of \$1,200. Those who make more will receive a payment on a declining basis up to \$99,000. Adults who receive Supplemental Security Income are still eligible for the stimulus payment. If a resident filed a 2018 or 2019 tax return, their check will be directly deposited into the resident's bank account, if their bank account is on file with the IRS. Otherwise the check will be mailed. If the resident did not have to file a return, they will receive the check the same way they receive their Social Security benefits. <https://www.medicaidplanningassistance.org/covid-19-stimulus-checks-impact/>

Will the stimulus checks count towards Medicaid eligibility for long-term care residents?

No. The stimulus checks are considered "recovery rebates" as tax credits and they are not taxable income. The recovery rebates may not be counted as income towards Medicaid eligibility for 12 months. For additional information see question 54 of the Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127 Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136 Frequently Asked Questions ([FAQs](#)) and this [fact sheet](#) from the National Conference of State Legislatures (NCSL). Additionally, it is important for residents to be aware that the stimulus check belongs to the resident and should be used for things the resident needs or wants, whether that is clothing or a television or something else. It belongs to the resident and cannot be taken by their nursing home. If your nursing home attempts to take this money or you are concerned, please contact the Ombudsman program: https://theconsumervoice.org/get_help.

Visitation, Communication, Staying in Touch

How can I stay in touch with my loved one, when visitation to their facility is restricted?

Contact with friends and family is always important, especially during this pandemic. Speak with facility staff to see if they can assist with facilitating calls or video chats between you and your loved one. You can email, make phone calls, or leave notes for your loved one. Review this consumer fact sheet

<https://theconsumervoice.org/uploads/files/general/covid-19-consumer-fact-sheet.pdf> and website for additional ways to stay in touch:

<https://theconsumervoice.org/issues/other-issues-and-resources/covid-19#staying-connected>.

If the facility does not help you communicate with your loved one, contact the Ombudsman program. Visit this page to locate your state program: https://theconsumervoice.org/get_help.

I know visitation is currently restricted, but are there any circumstances where I can visit my loved one?

Visitation is restricted for friends and family members except in “compassionate care” situations. CMS did not define compassionate care but indicated that it should be evaluated on a case by case basis, and be based on the individual needs of the resident. However, when your loved one is very ill or dying, we believe that CMS’s intention was for you to visit. This consumer fact sheet provides additional information about visitation restrictions and communicating with your loved one. If your facility will still not let you visit, contact the Ombudsman program. Visit this page to locate your state program: https://theconsumervoice.org/get_help.

Does the Ombudsman program still have access to residents and facilities?

Ombudsman program access in-person, like visitors, is currently restricted. Ombudsman programs are still investigating complaints they receive and providing information and assistance to residents, family members, the public, and long-term care staff. Ombudsman programs are proactively reaching out to residents and family members as well as facility staff by phone, email, and/or video calls to check-in. If you have questions or concerns, contact the program in your state, found here: https://theconsumervoice.org/get_help.

Can facilities accept food for residents prepared by restaurants or families during this time?

To our knowledge, the Centers for Medicare and Medicaid Services (CMS) has not provided guidance about accepting food for residents from outside of the facility. However, based on the information from the Centers for Disease Control (CDC) there appears to be no reason to ban food provided from outside of the facility: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#How-COVID-19-Spreads>.

Can I still send mail and packages to my family member in a facility?

We encourage families to send mail to residents. Some facilities may hold mail or wipe it down upon delivery, but according to the CDC and the World Health Organization there is currently no evidence that COVID-19 is spread through the mail (USPS statement: <https://about.usps.com/newsroom/statements/usps-statement-on-coronavirus.htm>).

Is there a specific video chat/conferencing app or software that is recommended for video conferencing with residents in long-term care facilities? Are there HIPAA violations when using video conferencing to speak with residents?

We cannot recommend a specific video service, however some frequently used applications that are acceptable include Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, WhatsApp video chat, Zoom, or Skype. The good faith provision of telehealth during the COVID-19 crisis will not subject providers to any penalties related to HIPAA. <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>

Where to Find Additional Information

Are there any ideas for activities that facilities could be engaging residents in individually while group activities are suspended?

Visit the National Certification Council for Activity Professionals website for activity ideas: <https://www.nccap.org/covid-19-activity-director-resources>.

Where can I find information on how to protect and support my loved one during the COVID-19 pandemic?

Visit the Consumer Voice webpage for updated information and guidance on how to protect your loved one during this time: <https://theconsumervoice.org/issues/other-issues-and-resources/covid-19>.

Where can I find updated information from CMS about COVID-19?

Visit the Consumer Voice webpage to find the most recent CMS guidance and summaries of that guidance: <https://theconsumervoice.org/issues/other-issues-and-resources/covid-19#CMS-guidance>. You can also visit the CMS COVID-19 page here: <https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page>.

Where can I find information about supporting my loved one with dementia during COVID-19?

Visit the Alzheimer's Association to find information about dementia care during this time: <https://www.alz.org/professionals/professional-providers/coronavirus-covid-19-tips-for-dementia-caregivers>.

Where can I find information for Ombudsman programs regarding COVID-19?

The Consumer Voice operates the National Long-Term Care Ombudsman Resource Center (NORC). Visit the "Coronavirus Prevention in Long-Term Care Facilities: Information for Long-Term Care Ombudsman Programs" page on the NORC website: https://ltcombudsman.org/omb_support/COVID-19.