

April 21, 2020

CMS Set to Release New COVID-19 Mandatory Reporting Requirements for Nursing Homes

On April 19, the U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) [announced](#) upcoming mandatory reporting requirements for nursing homes to report COVID-19 cases.

CMS will be releasing new rules requiring nursing homes to report to the Centers for Disease Control and Prevention (CDC) communicable diseases, healthcare-associated infections, and potential outbreaks, including confirmed cases of COVID-19, among staff and residents. Current Federal regulations and CDC guidance requires nursing homes to inform state and local health departments of confirmed COVID-19 cases and incidences of related symptoms, but reporting such data to CDC has been optional. However, the forthcoming rules will require nursing homes to submit such data to the CDC's National Health Safety Network system as well. The rules will provide a standardized format and frequency defined by the CMS and CDC for such data submissions. Data will support local and national COVID-19 surveillance, monitor trends in infection rates, and inform public health policies and actions. Failure to report confirmed COVID-19 cases and Person under Investigation for COVID-19 cases may result in enforcement action by CMS.

The new CMS rules also require nursing homes to notify residents and their representatives within 12 hours of the occurrence of a single confirmed COVID-19 case and to inform residents when three or more residents or staff present with new-onset respiratory symptoms occurring within 72 hours of each other. Nursing homes will also be required to notify residents/staff of steps underway to mitigate/reduce the risk of transmission and to provide weekly updates. All notices must be provided in accordance with existing privacy rules.

Guidance from the CDC is available [here](#). Day Pitney will provide additional information when CMS releases the notification rules.

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our [COVID-19 Resource Center](#).

COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

Authors



Thomas A. Zalewski
Partner

Parsippany, NJ | (973) 966-8115

tzalewski@daypitney.com