

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

TO: Nursing Facilities
FROM: Maine Department of Health and Human Services
SUBJECT: Nursing Facility Extraordinary Circumstance Allowance in Response to COVID-19
DATE: March 20, 2020

The recent outbreak and spread of COVID-19 (novel coronavirus) requires that health care agencies take extra precautions to protect the residents in their care. The U.S. Centers for Medicare and Medicaid Services (CMS) and Centers for Disease Control and Prevention (CDC) have issued guidance for nursing facilities on infection control and screening of visitors and staff. Maine CDC has additional COVID-19 information on their website. Web links to the guidance are at the end of this memorandum. Note that guidance is updated on a regular basis, so please stay up to date.

The Maine Department of Health and Human Services (DHHS) recognizes the financial challenges that implementing this guidance may present to nursing facilities in Maine. To assist facilities in meeting this challenge, DHHS is implementing an Extraordinary Circumstance Allowance (ECA) as defined in the Principles of Reimbursement for Nursing Facilities, Principle 34.

Nursing facilities should track all additional costs, beyond their normal operating costs, associated with implementing the guidance from the CMS and CDC. We expect the costs incurred by providers will be in the areas of:

- Staffing above and beyond customary levels necessary to maintain proper ratios and to implement guidance (e.g. increased staffing levels necessary to monitor for potential infection, screening visitors) and;
- Supplies and personal protective equipment, such as alcohol-based hand sanitizers, facemasks, gowns, and tissues beyond levels typically purchased.

Providers should submit preliminary budgets for initial review that outline the scope and expected costs of additional actions taken and should submit reimbursement requests by the 30th of each month, as needed, to DHHS for review, approval, and payment. All requests should clearly identify the additional costs and the necessity of the costs in relationship to infection control, screening visitors, and other emerging guidance from CMS and CDC. Reimbursement will be considered from March 1, 2020 going forward.

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Please remit requests to the Division of Audit at DHHS.Audit@maine.gov, attention Herb Downs. Emails should include "NF COVID-19 ECA Request" in the subject line and should contain all supporting documentation.

The Department is fully committed to partnering with nursing facilities to mitigate the impact of COVID-19 on Mainers in their care. However, please note that the Department must operate within certain funding constraints and depending on how the COVID-19 situation unfolds, may need to reassess the parameters of this ECA.

If you have any questions, please contact Herb Downs with the Division of Audit at DHHS.Audit@maine.gov with "COVID-19 ECA Question" in the subject line or call the Division of Audit main line at 207-287-2403.

Resources:

CMS resources for Current Emergencies: <https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page>

CMS Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in Nursing Homes (REVISED as of March 13, 2020): <https://www.cms.gov/medicareprovider-enrollment-and-certificationsurvey/certificationgeninfo/policy-and/guidance-infection-control-and-prevention-coronavirus-disease-2019-covid-19-nursing-homes-revised>

U.S. CDC guidance for Preparing for COVID-19: Long-term Care Facilities, Nursing Homes: <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/prevent-spread-in-long-term-care-facilities.html>

Maine CDC guidance on COVID-19: <https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus.shtml>

Maine DHHS Office of MaineCare Services (OMS) resources: <https://www.maine.gov/dhhs/oms/COVID-19.shtml>

Subscribe to OMS' Provider E-News Message Service: <https://www.maine.gov/dhhs/oms/provider/news-subscription.html>