

KDADS Long-Term Care PPE and Testing Requirements

September 15, 2020



Key Questions

When will KDADS be providing PPE to adult care homes?

House Bill 2016 includes a provision that directed KDADS to provide PPE, infection control supplies, and testing supplies to adult care homes. KDADS requested \$10 million from the SPARK Committee to provide PPE and other supplies to the state-licensed facilities, like assisted living facilities and Home Plus'. SPARK also approved \$38.4 million for nursing facilities that can be used to purchase PPE. Once SPARK approves the funding for the state licensed facilities, KDADS will make a supplier available to facilities. This supplier will have a budget for each state licensed facility that the facilities can use to purchase PPE and supplies.

The remainder of adult care homes will be able to create accounts with this vendor to purchase PPE or using the SPARK funds and other federal funds they have received. They can also use those funds to purchase PPE through their existing suppliers.

The SPARK committee meets again on Wednesday, September 16. The KDADS contract with the supplier is ready to be executed subject to SPARK approval of the funding.

When will the SPARK funded PPE process be available to adult care facilities?

KDADS will execute a scope of work with a Personal Protective Equipment (PPE) vendor when we have confirmed approval of the \$8.6 million requested from SPARK for state-licensed facilities.

Nursing facilities can use part of the \$38.4 million in SPARK funds dedicated for nursing facilities to purchase PPE. The KDADS vendor can be used by nursing facilities. The funds are distributed when KDADS receives a signed attestation from the facility. The first payments went to KDHE for payment on Friday, September 4, 2020. These funds are in addition to federal resources sent directly to nursing facilities.

Kansas certified nursing facilities received a total of \$102.4 million from two distributions of federally distributed Provider Relief and Testing Funds that could be used for PPE purchases and testing.

Except in the most critical of emergencies, nursing facilities should not look to their local emergency management entity for assistance with PPE since resources and a pipeline will be provided to them.

How will facilities purchase from the KDADS vendor?

Nursing facilities could use some of the funding from SPARK authorized in Round 2 to purchase PPE and could use the KDADS vendor.

State-licensed facilities will have a budget for supplies with the vendor based on resident census and a fixed dollar amount for supplies (\$225 per month) for 2.5 months. Facilities can purchase supplies up to that budgeted amount funded with SPARK dollars.

Facilities will be able to provide their contact information and a delivery address so the vendor can ship PPE directly to the facility based on their needs.

The types of PPE will be restricted to certain types of supplies with a limited number of choices of styles to increase the reliability of the supply chain. We have included in the scope of work for the vendor to supply critical PPE items to facilities, including surgical masks, N-95 masks, gowns, gloves and sanitizing products.

What does the CMS Final Rule on Nursing Facility Testing require?

CMS issued a memo requiring nursing facilities to implement surveillance testing on August 26, 2020. The rule became effective September 2, 2020. Nursing facilities are required to test all staff (defined as employees regardless of job title – contractors, consultants and volunteers) at a frequency determined by the prevalence of COVID-19 in each county. The memo also states facilities should prioritize those individuals who are regularly in the facility (e.g., weekly) and have contact with residents and staff.

What facilities are subject to the testing requirement?

The requirement to test staff on a regular frequency applies to skilled nursing facilities only. Kansas state-licensed facilities are not required to do surveillance testing on a regular basis.

How are facilities supposed to purchase testing supplies and testing kits?

Certified nursing facilities that received a COVID-19 testing machine from the federal government were provided a number of test kits to perform the initial round of staff testing. The machines came with instructions on ordering additional testing kits from the manufacturers. CMS also distributed \$2.5 billion to facilities to purchase more testing. Kansas facilities received \$33.4 million from that distribution of provider relief funds.

For facilities that did not get a machine, CMS directed facilities to enter contracts with private laboratories that can provide results within 48 hours.

To support the increased costs in nursing facilities, CMS allocated \$5 billion in the initial round of Provider Relief Funds. For Kansas, 331 nursing facilities received a total of \$69 million from that distribution. CMS released an additional \$2.5 billion for nursing facilities to implement the testing requirements. Kansas nursing homes, 324 in total, are scheduled to receive \$33.4 million of that \$2.5 billion. There is another \$2 billion Health and Human Services (HHS) will make available to facilities based on performance indicators that have not yet been identified. The State SPARK distributions are in addition to these amounts.

How will facilities access tests?

Adult care homes need to follow the direction provided through the KDADS reopening guidance document and from KDHE to have a regular resource for testing that would have sufficient capacity to perform tests needed for staff and residents that are identified as potentially COVID-19 positive through routine screening.

KDHE can provide a list of labs that have reported capacity to perform tests.

What do facilities do if there is a positive COVID case or outbreak?

The consistent guidance from KDHE is that any COVID-19 positive and suspected positives must be reported to KDHE within four hours of identification. When a positive case is identified, KDHE, working with local health departments, will conduct one round of initial testing and at least two rounds of follow-up testing through two incubation periods.

In general, day-to-day testing needs are the responsibility of nursing facilities and long-term care facilities. KDHE's role is limited to testing in facilities with outbreaks and other public health investigations.

Who should I contact if I have a question about the CMS testing requirement?

KDADS maintains a monitored email box for nursing facility and adult care home questions at KDADS.reopening@ks.gov.

Summary – PPE

- Federal financial resources totaling \$69 million to 331 facilities from the \$4.9 billion in federal PRF Targeted Distribution and an additional \$33.4 million for 324 nursing homes from the \$2.5 billion in payments to Kansas facilities.
- Additional \$38.4 million in SPARK funds is currently being distributed to federally certified facilities.
- Waiting on approval for \$10.0 million in SPARK funds for state-licensed facilities to purchase protective equipment and cleaning supplies.
- Vendor PPE contract will be executed immediately after receiving SPARK approval.

Summary – Testing

- New Federal Guidance August 26, 2020, mandated broad-based testing based on COVID-19 prevalence in communities.
- Federal funding of \$2.5 billion was distributed to Kansas facilities. Each facility will receive \$10,000 plus \$1.450 per bed available to Kansas facilities and facilities could earn more based on performance. This totals \$33.4 million for 324 nursing facilities.
- Rapid testing machines and first round of testing supplied by HHS.
- KDADS is requesting \$10 million in additional funding in the state round of SPARK for nursing facility and adult care home testing (industry is asking for close to \$100 million).
- Additional KDADS actions could identify additional testing supply or lab contracts.