Where to Turn for Help

It is clear that COVID-19 is especially threatening to residents in long term care settings. Most providers do not have access to the adequate supplies or staff to provide the level of care needed to contain the virus. Documenting requests for assistance is an important part of managing the long-term consequences of the lack of supplies and testing.

Unfortunately, also due to this crisis, many long-term care providers are unable to fulfill requests for help made to regular contacts (e.g., suppliers, morgues, staffing agencies, etc.) and through traditional communication channels. Long term care providers need to regularly call for help and need to document these calls were made. Continue to reach out to these entities:

- Contact the local AND state health departments
- Contact the state survey agency
- Consider contacting local government officials such as the mayor, state representative or state senator

Document Calls for Help

Documenting requests for assistance is an important part of managing the long-term consequences of COVID-19. Documenting these calls and potential responses should be done similar to how resident treatments would be documented.

Document all of these outreaches and the responses received from each:

- Date of contact
- Person contacted
- Request made
- Response date and details of response received

Request a Facility-Level Waiver

Providers lacking PPE or staffing should also file an individual 1135 waiver for flexibility with regulations that cannot be met due to these shortages or that conflict with other guidance, needs and expectations during the pandemic. Operating in these very difficult circumstances without access needed supplies and staff results in likely non-compliance with many of the federal Medicare regulations, Occupational Safety and Health Administration (OSHA) (see our OSHA resources under the PPE section of the COVID-19 website) requirements and could impact state assisted living Medicaid requirements.

A facility-level waiver request is an important part of seeking the appropriate help in these circumstances. It also helps to record best effort attempts at compliance. See the CMS 1135 Waivers site for additional information.