



CMS NEWS ALERT

September 29, 2020

CMS Updates COVID-19 Testing Methodology for Nursing Homes

Today, the Centers for Medicare & Medicaid Services (CMS) announced an update to the methodology the agency employs to determine the rate of coronavirus disease 2019 (COVID-19) positivity in counties across the country. Counties with 20 or fewer tests over 14 days will now move to “green” in the color-coded system of assessing COVID-19 community prevalence. Counties with both fewer than 500 tests and fewer than 2,000 tests per 100,000 residents, and greater than 10 percent positivity over 14 days – which would have been “red” under the previous methodology – will move to “yellow.” This information is critical to nursing homes, which are required to test their staff for COVID-19 at a frequency based on the positivity rate of their respective counties.

Under guidance CMS issued on August 26, 2020, nursing homes must test staff at a frequency of once monthly if the facility’s county positivity rate is less than five percent. Staff testing frequency increases to once weekly if the county positivity rate is between five and 10 percent. Finally, testing frequency increases to twice weekly if the county positivity rate exceeds 10 percent.

CMS heard concerns from some governors of rural states that the frequency guidelines did not work well for some rural areas. They were concerned that some rural counties had seemingly high comparative positivity rates as a result of low amounts of testing, rather than actual positivity in the community. This resulted in a significant burden for nursing homes being required to conduct staff testing at a higher frequency than necessary. In response to these concerns, the Trump Administration acted swiftly and decisively, and implemented the change to the positivity rate calculation in order to accommodate rural counties. The new, resulting methodology reduces burden while still requiring facilities to conduct testing to at a frequency that can detect COVID-19 early to keep nursing home residents safe.

The requirement came on the heels of President Trump’s announcement that the Administration would offer point-of-care testing machines to America’s Medicare and Medicaid certified nursing homes – on the condition that they have secured a Clinical Laboratory Improvement Amendments waiver. The administration has also sent over \$21 billion to nursing homes to facilitate testing and offset other costs.

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