

# Plan for Testing Long Term Care Staff

October 22, 2020



# Introduction

Oregon's [Long-Term Care Facility \(LTCF\) Testing Plan](#) was released on June 15, 2020. The testing plan contained two primary objectives:

- Complete baseline testing of all residents and staff at all nursing facilities, residential care facilities, and assisted living facilities licensed by the Oregon Department of Human Services (ODHS) by September 30, 2020. This objective has been met.
- Facilities are required to ensure routine, monthly testing of staff at least once a month.

The following information explains the rationale and guiding priorities for these revisions. Additional details regarding facility requirements are outlined in COVID-19 Testing in Licensed Assisted Living Facilities, Nursing Facilities and Residential Care Facilities [OARs 411-060-0000 through 411-060-0050](#).

## Changes to Original Guidance

Since the testing plan was originally released, two significant developments have occurred. First, the Centers for Medicare and Medicaid Services (CMS) issued rules and guidance requiring all nursing facilities in the United States to begin testing all staff at least once a month, and in some cases once or twice a week depending on a variety of factors.<sup>1</sup>

Second, the availability of rapid point-of-care (POC) antigen testing devices has greatly expanded. Not only has the federal government provided POC antigen testing devices to all nursing facilities to help them comply with the new testing rules, they have also initiated monthly shipments of 60,000-80,000 BinaxNOW rapid point-of-care card tests to Oregon, providing the state with additional testing resources that can be used for other types of long term care facilities as well as other sites as determined by the state.

The CMS rules and guidance provide requirements for on-going routine testing of all staff coming and going from facilities. Oregon is aligning its LTCF testing plan for all long-term care facilities (assisted living facilities, residential care facilities and nursing facilities) with the federal guidance for nursing facilities. *Currently Oregon's adult foster homes, which have five residents or less, are not in scope for the testing plan; these facilities do not share the same level of COVID-19 exposure risk as large congregate care facilities.*

## Routine Testing Requirements

Beginning November 1, 2020, all ODHS-licensed assisted living, nursing, and residential care facilities will need to begin routine testing of all staff at a frequency determined by county prevalence<sup>2</sup> under the revised guidelines. Staff are considered any individuals who are employed, who volunteer at the facility, or who provide services as part of an arrangement with the facility or a resident.

This includes hospice workers, staffing agency employees hired as temporary caregivers, or students participating in a nurse aide training and competency evaluation program. If staff receive testing somewhere other than at a long-term care facility, such as contracted staff receiving testing through their employer, the facility must obtain documentation to verify that testing requirements have been met. Facilities may meet testing requirements using POC antigen testing devices or nucleic testing services provided by a Clinical Laboratory Improvement Amendments (CLIA) approved laboratory. *Anti-body tests cannot be used to meet the requirements.*

- 1 This testing requirement was released as part of [interim final rule CMS-3401-IFC](#) on August 25 and accompanied by detailed guidance from CMS in [memo QSO-20-38-NH](#) released on August 26. This guidance outlines testing procedures, outbreak response, required documentation, reporting requirements, and survey procedures.
- 2 Nursing facilities also began complying with the CMS rules and guidance in September.

The frequency with which facility staff will need to be tested is based primarily on the COVID-19 positivity rate in the county in which the facility is located, following parameters established by CMS:

- Facilities in counties with a positivity rate less than 5% or in counties that have conducted fewer than 20 total tests in the most recent two weeks need to ensure all staff are being tested at least once a month;
- Facilities in counties with a positivity rate of 5-10% or in counties that have conducted fewer than 500 tests or fewer than 2,000 tests per 100,000 residents and >10% positivity in the two most recent weeks must ensure staff are tested at least once a week;
- Facilities in counties with a positivity rate higher than 10% that have conducted at least 500 tests and 2,000 or more tests per 100,000 residents must ensure all staff are being tested at least twice a week.

**NOTE:** Facilities may use *either* of the county positivity rate resources, however, it is recommended facilities use **one of the following resources**, remain consistent in gathering data, check positivity rates every two weeks, and set a specific recurring day bi-weekly for review:

- [CMS COVID-19 Positivity Rates](#)
- [OHA COVID-19 Positivity Rates](#)

These testing requirements will remain in place throughout the pandemic, and will be updated as necessary to:

- Better protect the health of residents and staff;
- Address implementation issues as they arise; and
- Continue to align with future updates to the federal rules and guidance for nursing facilities and CDC guidance for infection control in long-term care facilities.

Facilities should consult applicable OARs and guidance issued by ODHS and the Oregon Health Authority for additional clarification on the rules and their responsibilities. If you have any questions, please contact your assigned team at the following email addresses:

- Residential Care and Assisted Living Facilities: [CBC.Team@dhsoha.state.or.us](mailto:CBC.Team@dhsoha.state.or.us)
- Nursing Facilities: [NF.Licensing@dhsoha.state.or.us](mailto:NF.Licensing@dhsoha.state.or.us)
- Specific questions about long term care baseline testing and COVID-19 related topics: [SOQ.LTCinfo@dhsoha.state.or.us](mailto:SOQ.LTCinfo@dhsoha.state.or.us)

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