

## CMS Nursing Facility Testing Requirements Using CMS County Positivity Rate Data

[CMS Memo QSO-20-38-NH: Interim Final Rule \(IFC\), CMS-3401-IFC, Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency related to Long-Term Care \(LTC\) Facility Testing Requirements and Revised COVID-19 Focused Survey Tool](#)

		<a href="https://data.cms.gov/download/hsg2-yqzz/application%2Fzip">CMS County Positivity Rate Excel Zip File Download</a> <a href="https://data.cms.gov/download/hsg2-yqzz/application%2Fzip">https://data.cms.gov/download/hsg2-yqzz/application%2Fzip</a>		
Topic	<b>Outbreak:</b> staff or resident positive for COVID-19 within last 14 days	Red (County Positivity Rate in the 14 days > 10%)	Yellow (County Positivity Rate in the past 14 days 5% - 10%)	Green (County Positivity Rate in the past 14 days < 5%)
Symptomatic individual identified (p. 4)		Staff with signs and symptoms must be tested Residents with signs and symptoms must be tested		
Outbreak (Any new case arises in facility) (p.4)	*For outbreak testing, all staff and residents should be tested, and all staff and residents that tested negative should be retested every 3 days to 7 days until testing identifies no new cases of COVID-19 infection among staff or residents for a period of at least 14 days since the most recent positive result. For more information, please review the section below titled, "Testing of Staff and Residents in Response to an Outbreak."	Test all staff that previously tested negative until no new cases are identified* Test all residents that previously tested negative until no new cases are identified*		
<b>Routine Testing Intervals (p. 5)</b>				
Residents		Not recommended, unless the resident leaves the facility routinely.		
Staff		Twice a week*	Once a week*	Once a month
		*This frequency presumes availability of Point of Care testing on-site at the nursing home or where off-site testing turnaround time is <48 hours (see guidance).		
Facility Staff Defined	"Facility staff" includes employees, consultants, contractors, volunteers, and caregivers who provide care and services to residents on behalf of the facility, and students in the facility's nurse aide training programs or from affiliated academic institutions. For the purpose of testing "individuals providing services under arrangement and volunteers," facilities should prioritize those individuals who are regularly in the facility (e.g., weekly) and have contact with residents or staff.			

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Monitoring County Positivity Rate (p. 5)	<p>Monitor county positivity rate every other week and adjust the frequency of staff testing accordingly.</p> <ul style="list-style-type: none"> <li>• If county positivity rate increases to a higher level, begin testing staff at the frequency shown.</li> <li>• If county positivity rate decreases to a lower level, continue testing staff at the higher frequency until county positivity rate remains at the lower activity level for two weeks.</li> </ul>			
Refusal of Testing (p. 6)	<ul style="list-style-type: none"> <li>o Facilities must have procedures in place to address staff who refuse testing. If a staff member refuses testing, the staff member should be restricted from the building until the procedures for outbreak testing have been completed.</li> <li>o Residents (or resident representatives) may exercise their right to decline COVID-19 testing in accordance with the requirements under 42 CFR § 483.10(c)(6). In discussing testing with residents, staff should use person-centered approaches when explaining the importance of testing for COVID-19.</li> </ul>			
Other Testing Considerations (p. 6)	<p>Staff and residents who have recovered from COVID-19 and are asymptomatic do not need to be retested for COVID-19 within 3 months after symptom onset.</p>			
Testing Visitors (p. 7)	<p>Facilities may test residents' visitors to help facilitate visitation while also preventing the spread of COVID-19. Facilities should prioritize resident and staff testing and have adequate testing supplies to meet required testing, prior to testing resident visitors.</p>			
Conducting Testing (p. 7)	<p>Order from Physician, physician assistant, nurse practitioner, or clinical nurse specialist required in accordance with State law, including scope of practice laws to provide or obtain laboratory services for a resident, which includes COVID-19 testing. See the memo for more details.</p>			