



Intake for New Requests for Services: 1-800-252-9108

Online Intake Available 24/7: intake.DRTx.org

Resources and Information: www.DRTx.org

Nursing Facilities and COVID-19

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Typically, residents of Texas nursing facilities have all the rights, benefits, responsibilities, and privileges granted by the Constitution and laws of this state and the United States. For a full explanation of nursing facility rights, please see the Long-Term Care Ombudsman's [Nursing Facility Residents' Rights flyer](#).

Because of the COVID-19 pandemic, the State of Texas has temporarily modified some of the rights of nursing facility (NF) residents. Please be aware that these changes are being updated daily as the COVID-19 outbreak is a fluid situation. Disability Rights Texas will attempt to update this nursing facility rights information handout as frequently as possible when new information becomes available.

Below is a Q&A discussing the many changes that impact nursing facility residents and their care and treatment during the COVID-19 outbreak:

Can a resident still receive visitors at a nursing facility?

Governor Abbott has directed state agencies to restrict visitation at nursing homes to protect the most vulnerable to COVID-19. In addition, the Centers for Medicare and Medicaid Services (CMS) has directed all nursing facilities to restrict visitation and limit access to only those providing essential services. Accordingly, Texas Health and Human Services (HHS) has issued updated, expanded guidance to nursing homes that now includes restricting facility access to only *staff, certain medical professionals, and other providers of essential services*. Until further notice, nursing facilities have been encouraged to use alternate means of communication such as FaceTime, Skype, or other video or audio systems for residents to maintain contact with family and friends.

What if a resident wants to leave the nursing facility and return home to the community?

Normally, there is nothing preventing a nursing home resident from leaving a nursing facility at any time, provided that they have somewhere to live and the appropriate supports and services to maintain their health and safety. However, attempting to leave during the pandemic could possibly be complicated by a “shelter in place order” in your geographic area; or if your facility is under quarantine because of a suspected COVID-19 outbreak.

With that said, the State of Texas does have a variety of programs that provide in-home supports and services that are available to nursing home residents that qualify for Medicaid. These programs could potentially allow a resident to leave a nursing facility and return to the community. Applying for these programs can often be confusing. You should ask the service coordinator of your managed care company (MCO), or the social worker at your particular facility to inquire as to what in-home supports and services are available should you choose to leave. Also, if you need additional help applying for in-home services, please feel free to contact **Disability Rights Texas at 1-800-252-9108**.

Will residents still be able to see their doctor?

Due to COVID-19, CMS is temporarily suspending the requirement that physicians and non-physician practitioners perform in-person visits for nursing home residents. Nursing facilities will still allow physician visits to be conducted as appropriate via telehealth options.

Will nursing facilities be able to maintain sufficient staffing to keep their residents safe?

Achieving adequate staffing levels may be a concern for nursing facilities during this public health emergency. CMS is temporarily waiving certain nursing assistants’ training and certification requirements so they do not present barriers for nursing facilities to hire staff. The expectation is that this temporary waiver will help these facilities provide adequate levels of staffing for the duration of the COVID-19 pandemic.

If a nursing facility resident is suspected of being exposed to the COVID-19 virus, what steps are taken to maintain the health and safety of the other residents?

CMS has directed that nursing facilities take the following *transmission-based precautions* if a resident is under observation as possibly carrying the COVID - 19 virus:

- A resident may be confined to their room.
- The nursing facility should cancel communal dining and all group activities, such as internal and external group activities.
- Implement active screening of residents and staff for fever and respiratory symptoms.

- Remind residents to practice social distancing and perform frequent hand hygiene.

Can a nursing facility still admit a resident that has been diagnosed with COVID-19 and still under transmission precautions?

A nursing home can accept a resident diagnosed with COVID-19 and still under transmission-based precautions for COVID-19 as long as the facility can follow CDC guidance for transmission-based precautions (see above). If a nursing home cannot, it must wait until these precautions are discontinued.

Can a nursing facility *readmit* a resident who has been hospitalized when the resident is released from the hospital?

Nursing homes have been directed to readmit a resident after hospitalization. If the resident was diagnosed with COVID-19 they should be readmitted under the above listed transmission-based precautions for COVID-19. If a nursing home is unable to comply with the requirements for transmission-based precautions, readmission must wait until these precautions are discontinued.

Is it okay **for family members to do laundry for residents and leave it at the front door? If so, how do they get the laundry?**

It is not recommended at this time. Nursing facilities are required to have policies and procedures in place which require staff to handle, store, process, and transport all linens and laundry in accordance with accepted national standards in order to produce hygienically clean laundry and prevent the spread of infection to the extent possible.

If there is a fire or an emergency medical situation, do emergency responders need to be screened before entering a NF?

The required screenings do not apply to emergency services personnel entering the facility in an emergency situation such as a fire or a resident requiring life-saving actions.

Are vendors that inspect, test, and maintain fire systems considered essential, and should they be granted entry into a NF?

Yes. These are considered essential services, and these vendors should be granted access to the facility if they are screened and follow the appropriate CDC guidelines for transmission-based precautions. See CMS QSO-20-14-NH and CDC guidance.

Can a durable medical equipment (DME) supplier meet with me in the nursing facility?

Typically, a nursing facility resident can meet with a DME supplier of his or her own choice to obtain an assessment for a new custom wheelchair or secure repairs to a current wheelchair. During this COVID-19 emergency, many nursing facilities have suspended such meetings and the state has granted them the discretion to do so. If your request for a new custom wheelchair was approved prior to the health care emergency, but you have not yet received your wheelchair, accommodations to the delivery and fitting process can be made to ensure that you do not have to wait any longer for your custom wheelchair.

I have been diagnosed with mental illness (MI), an intellectual developmental disability (IDD) or related condition and referred to a nursing facility. Are the Pre-admission Screening Resident Review (PASRR) Requirements still in place?

Yes and no. While specialized services are still available in nursing facilities for persons with MI, IDD or a related condition; CMS is allowing states and nursing homes to suspend PASRR assessments for new residents for 30 days. After 30 days, new patients admitted to nursing homes with a mental illness (MI), an intellectual disability (ID) or a related condition should receive their assessments as soon as resources become available.

What if I need help understanding or exercising my rights in a nursing home?

For assistance with your understanding and exercising your rights, please contact [Disability Rights Texas](#). During the COVID 19 emergency, Disability Rights Texas offices are closed to the public but our staff is still working remotely.

If you are a person with a disability in the state of Texas and you are experiencing a legal problem or are having difficulty obtaining disability services or are having your rights violated, call our intake line at 1-800-252-9108, Monday through Friday, 9:00 am to 4:00 pm, or you can apply online at any time at: intake.DRTx.org.

Individuals who are deaf or hard of hearing can call our toll-free video phone at 1-866-362-2851 or our Purple 3 video phone at (512) 271-9391.

When you call, an intake staff person will ask you questions about you and your issue. Please be sure to tell us if this is concerning a nursing facility resident and provide information such as:

- Your name, address, and phone number, so that we can reach you later if we have more questions.
- The nature of your disability.

- Some facts about your problem (what happened and when, why and how it happened) to help us determine how best to help you.

If you have documents related to your issue, have that information ready when you call. We will review your request for assistance and assign it to an advocate or attorney. If we deny your request for services, you can **appeal** within 20 days to our Legal Director in writing to 2222 West Braker Lane, Austin, TX 78758.

Other resources to file a nursing facility complaint:

[Texas Health and Human Services Complaint and Incident Intake](#)

1-800-458-9858

Website URL: hhs.texas.gov/about-hhs/your-rights/complaint-incident-intake

[Texas Health and Human Services, Office of the State Long-Term Care Ombudsman](#)

1-800-252-2412

Website URL: apps.hhs.texas.gov/news_info/ombudsman/

Disclaimer: Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate.

These handouts are not intended to, and do not replace an attorney's advice or assistance based on your particular situation.