

CMS OFFERS COVID-19 GUIDANCE AND FLEXIBILITY TO PACE PROGRAMS

On March 17, 2020, the Centers for Medicare & Medicaid Services ("CMS") issued a [memorandum](#) titled "Information for PACE Organizations Regarding Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19)" ("CMS Memo") that announced COVID-19 guidance for Programs of All-Inclusive Care for the Elderly ("PACE") program organizations ("PACE Organization").

The PACE program is a unique model of managed care service delivery for the frail and elderly, most of whom are dually eligible for Medicare and Medicaid benefits, and all of whom are assessed as being eligible for nursing home placement according to the Medicaid standards established by their respective states.

PACE ORGANIZATION INFECTION CONTROL GUIDANCE

The CMS Memo details that PACE Organizations must follow accepted policies and standard procedures with respect to infection control, including at least the guidelines developed by the Centers for Disease Control and Prevention ("CDC"). The latest CDC guidelines include the following:

- Review infection control practices with all personnel, implementing proper hand and respiratory hygiene;
- Monitor participants, personnel and visitors for fever and respiratory symptoms;
- Use alcohol-based hand sanitizers; and
- Keep all individuals including visitors, staff and residents at home when they are ill.

PACE Organizations must also establish, implement and maintain a documented infection control plan that includes procedures to identify, investigate, control and prevent infections in every PACE center, and in each participant's place of residence, as well as procedures to record, and develop corrective actions related to, any incidents of infection.

The CMS [press release](#) about the CMS Memo directs that PACE Organizations experiencing an increased number of respiratory illnesses among participants, caregivers and/or health care and PACE personnel should immediately contact their state and local health officials for further guidance.

LIMITING ACCESS TO PACE CENTERS

CMS recommends that PACE Organizations limit access to the PACE center, as appropriate, for participants with symptoms that may be attributable to COVID-19 to mitigate the risk of infecting other participants and/or personnel. The CMS Memo directs that the interdisciplinary team may limit PACE participants from attending the PACE center if COVID-19 is in their community. For example, it may be advisable to limit PACE center attendance even for participants that do not display symptoms of COVID-19, in order to minimize the potential for exposure.

COVID-19 FLEXIBILITY INCLUDING REMOTE TECHNOLOGY

CMS recognizes that PACE Organizations may need to adopt approaches that do not fully comply with CMS PACE program regulations and requirements in order to provide benefits to participants and ensure participants are also protected from the spread of COVID-19. As PACE Organizations make those adaptations, CMS will take those situations into consideration when conducting monitoring or oversight activities.

CMS identifies that PACE Organizations may use remote technology as appropriate, including:

- Scheduled and unscheduled participant assessments;
- Care planning;
- Monitoring;
- Communication; and

- Other related activities that would normally occur on an in-person basis.

COVID-19 PHARMACY FLEXIBILITY

Under the CMS Memo, PACE Organizations may relax "refill-too-soon" edits and provide maximum extended day supply, provide home or mail delivery of Part D drugs and waive prior authorization requirements at any time that they otherwise would apply to Part D drugs used to treat or prevent COVID-19.

PACE SICK LEAVE POLICIES

PACE Organizations should implement sick leave policies for personnel that are non-punitive, flexible and consistent with public health guidance.

PRACTICAL TAKEAWAYS

- PACE Organizations must review their visitors and participant access policies to implement screening for COVID-19 symptoms.
- PACE Organizations should review the roles within their interdisciplinary team to implement practices that can be changed to reduce the spread of COVID-19.
- PACE Organizations should review and implement sick leave policies consistent with the CMS Memo.

As the COVID-19 situation is rapidly evolving, PACE Organizations should continue to watch for additional guidance from CMS and/or local health care officials. Please refer to Hall Render's COVID-19 [resource center](#) and hotline at 317-429-3900 for any questions, as well as up-to-date information regarding the virus.

If you have questions or would like additional information about this topic, please contact:

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- Your regular Hall Render attorney.

More information about Hall Render's Post-Acute and Long-Term Care services can be found [here](#).