



Regulatory Roundup

Weekly Webinar for Long-Term Care Professionals

 [IHCA.org/regulatory-roundup](https://ihca.org/regulatory-roundup)

PRESENTERS

Lori Davenport

Indiana Health Care Association

Team Members from

Indiana Department of Health

February 8, 2024



Today's Agenda

- Upcoming education – Katie Niehoff
- Paxlovid – use and access – Dr. Vuppalanchi
- Assisted Living – Call to Action – Lori D
- Joint Employer Rule – Lori D
- New Requirements for OSHA Reporting – Lori D
- COVID-19 Tests
- Q&A
- Next meeting – February 22, 2024



SPRING CONFERENCE

An Interdisciplinary Approach to Managed Care

APRIL 16-17

French Lick, Indiana

REGISTER: ihca.org/events/spring-conference



- A MEMBERS ONLY EVENT -

Upcoming Education

- NF Rate Webinars (Feb 21) **IHCA/INCAL members only*
- The Impact of the MDS webinar series
 - FEB 7 - MDS Ripple Effect on Reimbursement
 - FEB 14 - MDS Influence on the Quality Measures
 - FEB 21 - MDS Influence on Spades and SNF QRP
 - FEB 28 - MDS Five Star Factors
 - MAR 6 - MDS Systems & Mechanisms for Care Plan Effectiveness
- How to Prepare for FSSA Outreach to Your Residents for PathWays MCE Selection: A Webinar (Feb 15) **IHCA/INCAL members only*
- Documentation for Behavioral Health & Mental Illness – a webinar (Feb 20)
- PathWays 101: A Primer for the Changing World of MLTSS – a webinar (Mar 6)
**IHCA/INCAL members only, registration opening soon*
- 2024 Life Safety Code Intensive Workshop – in-person workshop (March 27-28)

[LEARN MORE](#)

Paxlovid – Useful links



1. PAXCESS Patient Support Program

[PAXCESS Patient Support Program \(iassist.com\)](https://iassist.com)

[PAXCESS™ | PAXLOVID™ \(nirmatrelvir tablets; ritonavir tablets\)](#)

- Co-pay savings: Eligible commercially insured patients can save up to \$1,500 per prescription.
Maximum annual savings up to \$1,500.
- Through December 31, 2024, individuals covered under federal programs, such as Medicare or Medicaid, and uninsured patients are eligible for the USG Patient Assistance Program (PAP) operated by Pfizer and can receive Paxlovid at no cost.

Paxlovid – Useful links



2. Treatment locator [Treatment Locator \(hhs.gov\)](https://www.hhs.gov)

3. Home test to treat:

- Individuals who are uninsured, rely on Medicare, Medicaid, or VA insurance, or receive care from Indian Health Services can receive free access to COVID-19 and flu testing, telehealth, and treatment through the Home Test to Treat program [Home \(test2treat.org\)](https://www.test2treat.org). Can sign up before testing for flu or COVID-19. If they test positive, participants can receive free telehealth care and medication for COVID-19 and/or flu, if prescribed
- For those who are privately insured or have employer-sponsored healthcare: They are eligible to enroll with a current positive COVID-19 and/or flu test, can receive free telehealth care and medication for COVID-19 and/or flu, if prescribed. Not eligible to receive free tests.
- Treatment can be shipped to the individual or picked up at a local pharmacy at no cost for those eligible

Assisted Living – Call to Action

- The US Senate Special Committee on Aging held a hearing – Assisted Living Facilities: Understanding Long-Term Care Options for Older Adults

In follow-up , assisted living residents and families have been asked to use their voice and share their stories and experiences by submitting those.

- Committee members need to hear directly from residents and families about how assisted living has helped or supported quality of life and health.
- Follow link to submit your story: [Action Center \(votervoice.net\)](https://www.votervoice.net)

Joint Employer Rule



- National Labor Relation Board (NLRB) – issued a final rule
 - Broadens the definition of employer
 - This rule replaces the 2020 final rule
 - The new final rule of 2023 becomes effective 2/26/24
 - Some groups are fighting this and allege the rule is unlawful and should be struck down.
 - Employers should prepare to comply in case that does not happen.
- Contract staff or a staffing agency use – you need to pay attention
 - Are they unionized?
 - Non- supervisory staff?
 - Covered by section 7 of NLR Act ? – even if not unionized

Joint Employer Rule



- When two entities are found to be joint employers – you both could be held liable for labor law violations and bargaining obligation.
 - If you use staffing agencies or contract workers – a recommended action is to review the rule carefully and seek counsel to assess your risks if this rule sticks.

OSHA Reporting – New Requirements



- 100 or more employees
- In designated high hazard industries (listed in Appendix B to Subpart E of 29 CFR Part 1904) – see attachment
 - 6231 – Nursing Care Facilities (Skilled Nursing Facilities)
 - 6232 – Residential IDD, Mental Health and Substance Abuse Facilities
 - 6233 – Continuing Care Retirement Communities, Assisted Living Facilities for the Elderly
 - 6239 – Other Residential Care Facilities

Must electronically submit to OSHA detailed information about each recordable injury and illness entered on their previous calendar year's OSHA Form 300 Log Form 301 Incident Report (29 CFR 1904.41)

OSHA Reporting – New Requirements



- What data is included in the new required report?
 - Date
 - Physical location
 - Severity of the injury or illness
 - Details about the worker who was injured
 - Details about how the injury or illness occurred

Data must be electronically submitted through OSHA's Injury Tracking Application (ITA). – There are 3 ways to submit the data – see handout

ITA began accepting 2023 injury and illness data on January 2, 2024. Due date to complete submission is March 2, 2024.

Submission requirement is annual and deadline for timely submission of previous year's injury and illness data will be March 2 of each year.

COVID-19 Tests - Free



Department of Health and Human Services Abbott BinaxNOW Test Kit Program.
Assisted Living and SNF are eligible for monthly shipments Must have active CLIA waiver to be eligible
Shipments started and stopped, and test quantities can be increased or decreased by emailing

TDX@hhs.gov Email must include the following:

Name of facility

Facility Address

CLIA Waiver #

Request – STOP/START, INCREASE, DECREASE

Also -- check expiration extension of tests at this site:

<https://www.fda.gov/medical-devices/coronavirus-covid-19-and-medical-devices/home-otc-covid-19-diagnostic-tests>

Q&A

- Next Regulatory Roundup meeting is February 22, 2024

Contact Information

- Lori Davenport – **IHCA/INCAL Clinical/Regulatory**
 - ldavenport@ihca.org
 - 765-516-0148
- Jordan Stover – **Assistant Commissioner, IDH**
 - Jstover1@health.in.gov
 - 317-233-7289
- Paul Krievins
 - pkrievins@health.in.gov
- Kelly White – **Reporting, IDH**
 - kewwhite@health.in.gov
- Tammy Alley – **Vaccine Questions, IDH**
 - talley@health.in.gov
 - 317-223-7441
- Janene Gumz-Pulaski – **Infection Control, IDH**
 - jgumzpulaski@health.in.gov
- Randy Synder – **Vaccine Questions, IDH**
 - rsnyder1@health.in.gov
- Peter Krombach
 - pkrombach2@health.in.gov
- Russell Evans
 - russ@probarisystems.com
 - outreach@probarisystems.com
 - 317-804-4102
- Lynn Clough – **State LTC Ombudsman**
 - Lynn.Clough@fssa.IN.gov
 - 317-234-5544
- Paul Peaper – **IHCA/INCAL President**
 - ppeaper@ihca.org
- Dr. Shireesha Vuppalanchi – **Clinical, IDH**
 - svuppalanchi@health.in.gov
- Brenda Buroker – **Survey, IDH**
 - bburoker@health.in.gov
 - 317-234-7340
- Jan Kulik
 - jkulik@health.in.gov
 - 317-233-7480
- Michelle Donner
 - midonner@health.in.gov
- Pam Pontones – **CDC Guidance, IDH**
 - ppontones@health.IN.gov
 - 317-233-8400
- Qsource – **NHSN**
 - Angeleta Hendrickson -
ahendrickson@qsource.org
 - 317-735-3551
 - Teresa Hostettler -
thostettler@qsource.org
 - 812-381-1581
 - Candace Lord – clord@qsource.org
 - 317-829-0143
 - Nedra Bridgewaters–
nbridgewaters@qsource.org
 - 317-678-9088
- Vanessa Convard – **APS Director**
 - vanessa.convard@fssa.in.gov
 - 317-232-4355
- Nick Goodwin – **IHCA/INCAL Government Affairs**
 - ngoodwin@ihca.org
- Rob Jones – **IDH Gateway Assistance**
 - rjones@health.in.gov
- Dr. Lindsey Weaver
 - lweaver@health.in.gov
- **Langham Customer Service**
 - 866-926-3420
 - Covidsupport@elangham.com
- Deanna Paddack – **Infection Prevention, IDH**
 - dpaddack@health.in.gov
 - 317-464-7710
- Lauren Milroy – **Epidemiology, IDH**
 - LMilroy@health.in.gov
- Caleb Cox – **Infectious Disease Epidemiology, IDH**
 - calcox@health.in.gov
 - 317-232-7814
- Dave McCormick – **Immunization Division, IDH**
 - DMcCormick@health.IN.gov