

COVID-19



CORONAVIRUS: EMERGENCY PREPAREDNESS PLANS AND OPERATIONAL GUIDANCE FOR HOSPITALS AND OTHER HEALTHCARE FACILITIES IN CONFRONTING COVID-19

March 10, 2020

By: Brooke Bennett Aziere, Amanda M. Wilwert, and Lisa M. Bryers (Brown)

Foulston has produced a series of issue alerts as we continue to monitor the evolving COVID-19 situation and provide additional guidance. Please find all updates and our latest resources available [here](#).

On Saturday, March 7, 2020, Governors Laura Kelly and Mike Parson each issued statements confirming presumptive-positive cases of Coronavirus Disease 2019 ("COVID-19") in Kansas and Missouri. Now is the time for healthcare facilities to implement their emergency preparedness plans and prepare for potential cases of COVID-19 in their patient/resident populations, workforce, and visitors.

EMERGENCY PREPAREDNESS PLANS

Facilities should review their emergency preparedness plans for compliance with the Centers for Medicare & Medicaid Services ("CMS") standards. These plans must address a facility's preparation for a full spectrum of emergencies and disasters, including the potential outbreak of infectious diseases. Our previous issue alert on CMS emergency preparedness plan requirements can be found [here](#).

Facilities are required to assess preparedness and update plans accordingly. Plans should address infectious disease outbreaks including: (1) staffing and personnel-related issues; (2) attaining and maintaining maximum services and patient and resident care; (3) identification of key personnel and their designees responsible for implementing the plan; (4) procedures for identifying and minimizing transmission of the disease (e.g., patient/resident placement, transmission-based precautions, movement within facility); (5) identification of key supplies; (6) visitor access; (7) environmental cleaning; and (8) communication. These issues, among others, will be featured in upcoming issue alerts.

Hospitals, nursing facilities, and other healthcare providers cannot delay the development and implementation of monitoring and screening procedures specific to COVID-19.

FOULSTON

ATTORNEYS AT LAW

SCREENING VISITORS AND PATIENTS

All healthcare facilities should screen and monitor visitors and patients upon arrival for COVID-19 risk by inquiring about the following:

1. International travel within the last 14 days to restricted countries.
2. Signs or symptoms of a respiratory infection such as a fever, cough, or sore throat.
3. Contact with someone diagnosed with or under investigation for COVID-19.

Facilities must have procedures in place for visitors or patients who meet the above criteria. These procedures may include reasonably limiting visitation in accordance with Medicare regulations, using facemasks, and isolating the individual.

CMS recently issued specific guidance for nursing facilities and hospices to follow in screening visitors and patients/residents. Look for a subsequent issue alert discussing that guidance.

MONITORING HEALTHCARE FACILITY STAFF

The screening procedures listed above may be used to monitor and screen facility staff. Notably, CMS cautions that staff members with signs and symptoms of respiratory infections should not report to work, and facilities should have specific policies in place for when a staff member develops symptoms of a respiratory infection on the job. For example, CMS recommends the following: (1) the staff member should stop work immediately, put on a facemask, and go home for self-isolation; (2) the staff member should report all individuals, equipment, and locations the member contacted or used while in the facility; and (3) contact the local health department for next steps with respect to testing and treatment.

CMS guidance for COVID-19 in hospitals can be found [here](#). CMS regularly updates its COVID-19 guidance on its Current Emergencies website.

CDC GUIDANCE

Healthcare facilities need to regularly monitor the CDC website for updated information and resources on the current status of COVID-19 transmission risks and guidance for managing and preventing infection. The CDC has issued resources for healthcare facilities in managing COVID-19 on its website.

FOR MORE INFORMATION

If you have questions or want more information regarding emergency preparedness plans and operational guidance in confronting COVID-19, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific business needs. Foulston's healthcare lawyers maintain a high level of expertise regarding federal and state regulations affecting the healthcare industry. At the same time, our healthcare practice group's relationship with Foulston's other practice groups, including the taxation, general business, labor and employment, and commercial litigation groups, enhances our ability to consider all of the legal ramifications of any situation or strategy. For more information, contact **Brooke Bennett Aziere** at 316.291.9768 or baziere@foulston.com, **Lisa Brown** at 785.354.9414 or lbrown@foulston.com, or **Amanda Wilwert** at 913.253.2181 or awilwert@foulston.com. For more information on the firm, please visit our website at www.foulston.com.

FOULSTON

ATTORNEYS AT LAW

Established in 1919, Foulston Siefkin is the largest law firm in Kansas. With offices in Wichita, Kansas City, and Topeka, Foulston provides a full range of legal services to clients in the areas of administrative & regulatory; antitrust & trade regulation; appellate law; banking & financial services; business & corporate; construction; creditors' rights & bankruptcy; e-commerce; education & public entity; elder law; emerging small business; employee benefits & ERISA; employment & labor; energy; environmental; ERISA litigation; estate planning & probate; family business enterprise; franchise & distribution; government investigations & white collar defense; governmental liability; government relations & public policy; healthcare; immigration; insurance regulatory; intellectual property; litigation & disputes; long-term care; mediation/dispute resolution; mergers & acquisitions; Native American law; oil, gas & minerals; OSHA; privacy & data security; private equity & venture capital; product liability; professional malpractice; real estate; securities & corporate finance; supply chain management; tax exempt organizations; taxation; trade secret & noncompete litigation; water rights; and wind & solar energy.

HEALTH LAW RESOURCES

Sign up to receive these issue alerts straight to your inbox here.

This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship

PRACTICE AREAS

- Healthcare