

July 27, 2020    NF-20-102 Provider Alert

To:    All Nursing Facilities  
      All Residential Care Facilities  
      All Assisted Living Facilities

Re: Mandatory COVID-19 testing in Oregon's Long-Term Care Facilities

Nursing, residential care, and assisted living facilities, collectively referred to as long-term care facilities (LTCF) are at high risk for severe COVID-19 outbreaks due to their congregate nature and vulnerable population (e.g., older adults with multiple co-morbidities). A primary strategy for reducing the likelihood and severity of outbreaks in LTCFs is mass testing of both residents and staff.

Governor Brown issued a mandate on June 9, 2020 that all residents and staff in nursing, residential care, and assisted living facilities licensed by the Aging and People with Disabilities (APD) program in the Oregon Department of Human Services must be offered testing for the COVID-19 virus at least once. Initial testing must be completed by September 30, 2020. Once initial testing is completed, facilities will be required to conduct on-going testing of staff and residents; information concerning this on-going requirement will be addressed in a separate alert.

Oregon currently has 685 LTCFs licensed by the Aging and People with Disabilities program (APD) in the Oregon Department of Human Services (DHS). These facilities house about 31,000 residents and employ about 29,000 staff - about 60,000 people in all. To date, the majority of these facilities have not had a staff or resident test positive for COVID-19.

In meeting this aim the Safety, Oversight and Quality Unit (SOQ) will collect data via SurveyMonkey in July and August with a final attestation of completion from facilities due by September 30, 2020. More details about the survey can be found on page two of this document. It is critical that these surveys be completed timely so we can assess the rate of completion and offer assistance where needed.

## Long-Term Care Testing Progress Report

All licensed nursing, assisted living, and residential care facilities in Oregon are required to complete this survey. Responses must be submitted by 11:59pm, July 31, 2020. Responses must be submitted by 11:59pm, July 31, 2020.

The survey can be found here: [LTC Testing Progress Report](#)

Per [OAR 411-060-0050](#), the Department of Human Services' Office of Safety, Oversight and Quality (SOQ) is sending this survey to all licensed nursing facilities, assisted living facilities, and residential care facilities in Oregon to gather testing data from long term care facilities required by OAR 411-060-0050 (1):

“By the last day of July, August, and September 2020, each Facility must submit to the Department on a form promulgated by the Department a summary report attesting to Facility Staff, Associated Staff and Resident testing completed since June 1, 2020, and listing remaining Facility Staff and Associated Staff to be tested and Residents to be offered testing.”

In addition to collecting required reporting data, this survey includes questions to help identify additional support facilities might need to complete the initial round of comprehensive testing called for in the [Oregon Long Term Care Facility Testing Plan](#).

For questions about this survey, please contact the Safety, Oversight and Quality Unit team at [SOQ.LTCinfo@dhsosha.state.or.us](mailto:SOQ.LTCinfo@dhsosha.state.or.us)

## Additional Guidance Under Development to be Released Soon

- Agency provided invoices for reimbursement of eligible of testing expenditures
- Guidance for appropriate “Informed Consent” processes
- Collection process for demographic information (REALD)

## Ensuring Equity, Trauma-Informed Testing and Cultural Responsiveness

It is important that testing be done in a manner that ensures equity, is trauma-informed, and is culturally responsive. Understanding Oregon's history and medical testing on marginalized communities is the foundation needed to ensure equity for COVID-19 testing in LTCFs. There is inherent distrust and fear among marginalized communities who have unwillingly and unknowingly found themselves the subjects of medical experiments. From the early foundations in the study of gynecology, to Tuskegee and forced sterilization of Native American, African American, Latina women, and people who experience disabilities. We must recognize these traumas, some as recent as the 1970's, and provide concrete steps to building relationships, restoring trust and lessening fears that will allow us to truly protect the health and well-being of all of our most vulnerable and marginalized residents in LTCFs.

The following steps will be taken to ensure that testing is trauma-informed and culturally responsive:

- Every person administering testing undergoes a session on the history of medical testing on marginalized communities located at:

<https://www.youtube.com/watch?v=iFfmXWILBW4>

- All communications will be in plain language, ADA compliant, and provided in languages other than English, including methods for signed language. Where possible and feasible, the communications will come two weeks prior to testing to allow for one on one follow ups and understanding for folks who need assistance with cognition and decision-making.
- To the extent possible, testing staff will be multilingual/multicultural to build connections and reassure residents who are undergoing testing.
- Resident rights and protected health information will be protected in the process. Culturally appropriate mediation and decision-making support will be available to allow residents time and space to understand their rights and keep their identities protected. The only released information will be aggregate case counts, deaths, and demographic information for facilities that experience outbreaks.

- Mediation processes and personnel should be identified and available using the communication methods to all residents who are administered a test.
- Culturally appropriate mental health and spiritual services should be provided at the time of testing so that residents can process their feelings and fears in a manner that will be respected and allow them to process their trauma.
- Each facility will communicate the process protocols if a resident is found to be positive, using the steps above regarding ADA compliance, language access and culturally appropriate mental health services. They shall also include methods for human connection while a resident is in isolation. This can include iPads for virtual meetings, visitation through windows or setting up spiritual services via phone or other means.
- There will be non-discrimination policies in place for staff and residents to ensure that harassment and bullying is not taking place against residents who are from marginalized communities. This will include a hotline and immediate redress for residents who experience these incidents. In particular, Asian and Asian Americans are facing increased racism in the era of COVID-19 as the virus has been dubbed the “Chinese virus”. This is also true for LGBTQ residents where the virus is reminiscent of the HIV pandemic where the virus was labeled the “gay virus” leaving many without proper medical care or support for a decade.
- Regardless of the test results, health staff will follow-up with all residents, using the communication methods and resources above to answer follow-up questions and reassure the residents their rights remain intact and protected. This is the key to continued cooperation.

These steps will take time and resources to enact, however it is imperative that we, as a state, recognize the impacts of this process and seek to reduce the harm this will cause. Healthcare has not always been a right for many of these folks, nor has it been equitable.

# COVID-19 testing plan for long-term care

The Oregon Department of Human Services and Oregon Health Authority are working with licensed nursing, assisted living, residential and memory care facilities to test staff and residents for COVID-19 to help prevent it from spreading. Here are answers to questions about this statewide testing plan.

## **Who will be tested?**

All residents will be offered COVID-19 tests. Tests will be required for staff.

## **Who will give the tests?**

A facility's health care staff or a testing company approved by the state.

## **What happens during a test?**

Samples are taken from the nose and mouth. Collecting a sample may be uncomfortable because the swab must be taken from deep inside the nose.

## **Who will pay for the tests?**

Health insurers, including Medicare and Medicaid, and the state of Oregon.

## **How will I be notified of results?**

Individuals will be told about confidential test results through their health care provider or a member of the facility's health care staff.

## **What happens if I test positive?**

If a resident tests positive for COVID-19, the resident and any appointed decision maker, their health care provider, and the facility health care staff will determine their care needs. To make sure others don't get sick, residents will be given information on how to prevent giving COVID-19 to someone else and that includes being separated from other residents until there is no risk the resident can spread COVID-19. A staff member who tests positive, and does not have symptoms, will be able to return to work after at least 10 days have passed since the positive test result.

## **Who else will receive the test results, and will this information be shared?**

Test results are highly protected personal health information available only to you, your health care provider and health care staff at long-term care facilities. Confidential positive test results will also be shared with the local public health

authority so health workers can contact anyone who tests positive for COVID-19 to determine who else might have been exposed. Oregon Health Authority will also use the confidential information from testing to gain an understanding of how COVID-19 is spreading within long-term care facilities.

### **What happens if I don't want a test?**

Residents have a right to refuse a test, but if a resident begins to show symptoms, they may need to be separated from other residents. If residents have questions about their rights, they may contact the Oregon Long-Term Care Ombudsman at 800-522-2602, 503-378-6533 or [ltco.info@oregon.gov](mailto:ltco.info@oregon.gov).

Staff at licensed long-term care facilities are required to be tested. Any questions about this state policy may be sent to [SOQ.LTCInfo@dhs.oha.state.or.us](mailto:SOQ.LTCInfo@dhs.oha.state.or.us).

### **Will I know if my neighbors, friends or a member of the staff in my community has COVID-19?**

No. Names of individuals who test positive will not be shared. However, if a neighbor or friend has COVID-19 and tells you that they may have exposed you, you would be told about that potential risk.

### **Who do I speak with if I have concerns, if I am being pressured to participate, or I am being mistreated?**

Help is available to address concerns using the following resources:

Residents may contact the Oregon Long-term Care Ombudsman at 800-522-2602, 503-378-6533 or [ltco.info@oregon.gov](mailto:ltco.info@oregon.gov).

Facility staff members with concerns should contact:  
[SOQ.LTCInfo@dhs.oha.state.or.us](mailto:SOQ.LTCInfo@dhs.oha.state.or.us).

Complaints about violations of staff and resident civil rights should be directed to the Governor's Advocacy Office (503) 945-6904, 800-442-5238 or [dhs.info@state.or.us](mailto:dhs.info@state.or.us).

To report abuse of an older adult or an adult with a disability, please call the Oregon Department of Human Services' Safeline at **1-855-503-SAFE (7233)**.

**You can get this document in other languages, large print, braille or a format you prefer. Contact the DHS Office of Aging and People with Disabilities at [APD.Communications@dhs.oha.state.or.us](mailto:APD.Communications@dhs.oha.state.or.us).**