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Reimbursement and Legal Issues Related to COVID-19 Testing in Long Term Care

We have received many questions from members on reimbursement and legal issues related to COVID-19 testing in LTC. Responses to common member questions are included below:

Reimbursement Issues

Medicare Coverage of Testing: Medicare fee for service and Medicare Advantage plans will cover the cost of COVID-19 diagnostic (PCR) tests. Tests range in cost from \$115 to \$500. Medicare Part B will only reimburse approximate \$100 for the PCR and \$35 for other tests. However, not all labs will bill Medicare directly. AHCA/NCAL strongly recommends that, wherever possible, providers use labs that will bill Medicare, as providers may not be able to bill for these services.

CARES Act Coverage: The CARES Act requires health plans to cover the cost of COVID-19 testing for beneficiaries at no cost to the beneficiary. CMS is requiring Medicare Advantage Plans to cover the costs of testing for MA plan beneficiaries. Typically, however, when a test is required by an employer for employment, then the employer is responsible for the cost of the test. If the state is mandating testing the employer may not be held accountable for the cost of the test but this has not yet been validated.

CARES Act Grant Funds: The CARES Act Grant Funds can be used to cover costs for resident tests that are not otherwise reimbursable. This does NOT include testing for residents under a Part A stay where it is included in consolidated billing.

Legal Issues

Resident Refusals: Residents that refuse to be tested for COVID-19 cannot be discharged involuntarily, unless the facility is otherwise incapable of caring for residents with a confirmed diagnosis of COVID-19.

Employee Refusals: Employers can make COVID-19 testing a condition of employment and terminate or not hire a person who refuses to obtain a COVID-19 test.

For more information, please review the reimbursement and legal section of AHCA/NCAL's [Preparing for Widespread Testing in LTC Guidance](#).

Please email COVID19@ahca.org for additional questions, or visit ahcancal.org/coronavirus for more information.

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