

Comments on the OMB Control Number 0938-1402: Conditions of Participation for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs-IID) CMS-10777

The Ohio Health Care Association (OHCA) represents providers of care and services to individuals with intellectual and developmental disabilities (ID/DD). I appreciate the opportunity to provide comments regarding the Agency Information Collection Activities: Submission for OMB Review; Comment Request notice issued on June 17, 2025. This notice is requesting a "reinstatement with change of a previously approved collection" which would require ICFs to document efforts related to the COVID-19 vaccination "educate and offer" requirements. The notice states that a June 2023 rule which eliminated the vaccination mandate and finalized the "educate and offer" requirements, included language to document this activity for clients in their medical records, but the documentation language for staff was eliminated. The notice is both confusing and contradictory to other efforts from the current administration related to COVID-19.

Specifically, it is unclear if the information collection activity will require ICFs to report this information to a federal agency (such as through NHSN or other systems) or if this is just to ensure ICFs have documentation of their education and offerings available during survey. Can you clarify the intent of this collection notice?

Adding or even reinstating a requirement for documentation of COVID-19 vaccination activities to educate and offer the vaccine to ICF-IID staff is counter to numerous actions this administration has taken including:

- President Trump signed an executive order in January which requires that whenever an agency promulgates a new rule, regulation, or guidance, it must identify at least 10 existing rules, regulations, or guidance documents to be repealed. While this is not a new rule, the information collection is implementing a new requirement for ICFs without reducing or repealing any other ICF requirements.
- On June 18, 2025, CMS released QSO-25-20-NH which removed COVID-19 vaccination information for nursing homes from nursing home compare. On June 30, 2025 CMS released the Home Health (HH) proposed payment rule which removes COVID measure from the HH QRP program. Why would the administration reduce COVID related activities for nursing homes and home health, but add documentation requirements for ICFs?
- The administration and this Congress have been trying to find financial savings and ways to reduce unnecessary expenses. The notice states this requirement would cost \$5,470,418 for ICFs to implement (which is a reduction from the \$7.3M original estimate). Since ICF services are almost 100% covered by Medicaid, this would at \$5.4M in costs to the Medicaid program without any proven benefit to the quality of care provided to ICF residents.

We respectfully ask that this information collection requirement not be approved to move forward and that CMS and OMB not authorize unnecessary requirements that add costs to the Medicaid program for both the State and Federal governments.

Feel free to contact Debbie Jenkins (DJenkins@ohca.org) with any questions.