NEW YORK STATE OF OPPORTUNITY. Department of Health

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To: Nursing Home Administrators, Directors of Nursing, Infection Preventionists and Medical Directors

Health Advisory: Nursing Home Staff and Visitation Requirements

Please distribute immediately to:
Operators, Nursing Home Administrators, Directors of Nursing, Infection Preventionists and Medical Directors

Due to the current Omicron COVID-19 outbreak throughout the State of New York, the New York State Department of Health is issuing this Health Advisory under 10 NYCRR §415.19 to implement the following requirements for staff and testing protocols for all visitors entering a nursing home in New York State during the duration of the Omicron outbreak:

- All nursing homes must continue to require personnel to be up to date on their COVID-19 vaccinations, as required by the Department's Prevention of COVID-19 Transmission by Covered Entities Emergency Regulation.
- All staff must be masked at all times, regardless of vaccination or booster status, and should consider wearing N95 respirators, especially in facilities where residents are unable to consistently wear face masks.
- The core principles of infection control and prevention should be adhered to at all times.
- Please refer to the January 4, 2022 Dear Administrator Letter for additional Department of Health recommendations. DAL NH 21-30 Nursing Home COVID 19 Outbreak Recommendations

Mask, Personal Protective Equipment, and Physical Distancing Requirements for Visitors:

All visitors must:

- Wear a well-fitting non-surgical paper mask or a mask of higher quality (i.e., surgical mask, KN95 or N95) at all times during any visitation at the facility. If the visitor wishes, a cloth mask may be placed over the paper mask. The masks must cover both the nose and the mouth; and

- Physically distance from facility personnel and other patients/residents/visitors that are not directly associated with the specific resident(s) being visited by that individual.

Testing for Visitors:

In addition, all nursing homes licensed and regulated by the New York State Department of Health must verify that visitors have received a negative SARS-CoV-2 test result **one day prior to visitation for antigen tests and two days prior to visitation for NAAT (e.g. PCR) tests**. **All visitors may use either NAAT testing or antigen testing**. This means, for example, that a test for a Sunday visit should be conducted no earlier than Saturday if it's an antigen test or Friday if it's a PCR test. Any PCR or antigen test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

Facilities can offer to conduct onsite testing of visitors, if practical. Facilities must have policies and procedures in place to review and report results of SARS-CoV-2. Records of SARS-CoV-2 tests must be made available, upon request to the local health department (LHD) and the New York State Department of Health. For visitors who visit for multiple days, including a visitor who comes every day, proof of negative testing is required as often as feasible, at a minimum every third day (meaning at a minimum testing is required on day one, day 4, day 7, and so on).

New York State shipped iHealth OTC COVID-19 Antigen Rapid Tests to every nursing home in the week of January 3, 2022, with shipments arriving by January 10, 2022. A nursing home should provide a visitor with an iHealth OTC COVID-19 Antigen Rapid Test if he/she does not have other valid proof of a negative test conducted in the required timeframe, and the visitor should test him/herself at the facility. The results of self-testing for visitors will not need to be reported either to ECLRS or to HERDS.

Exemptions:

The following are exempt from the testing requirements of this Advisory:

As stated in previous Department and CMS guidance at 42 CFR § 483.10(f)(4)(i)(C) requires that a Medicare and Medicaid-certified nursing home provide representatives of the Office of the State Long-Term Care Ombudsman with immediate access to any resident. If an ombudsman is planning to visit a resident who is on transmission-based precautions or in quarantine, or an unvaccinated resident in a nursing home in a county where the level of community transmission is substantial or high in the past 7 days, the resident and ombudsman should be made aware of the potential risk of visiting, and the visit should take place in the resident's room. Representatives of the Office of the Ombudsman should adhere to the core principles of COVID- 19 infection prevention as described above.

Compassionate caregiving visitors, within the meaning of Public Health Law §2801-h, who are visiting in anticipation of the end of a resident's life or in the instance of a significant mental, physical, or social decline or crisis of a resident. In any case where such an exception is made, the visitor must wear any additional personal protective equipment (PPE) that facility personnel deem appropriate to the situation.

Emergency medical services (EMS) personnel are not subject to testing requirements.