



November 16, 2021

DAL- NH 21-27

**Subject: Revised Nursing Home
Visitation Guidelines**

Dear Nursing Home Operator and Administrator:

- This DAL serves to notify all NYS nursing homes that the Department will expect all nursing homes across the state to adhere to the provisions of the updated nursing home visitation guidelines issued by CMS on November 12, 2021 detailed in [QSO-20-39-NH Revised \(PDF\)](#), and to immediately implement and comply with those provisions. As such, this DAL supersedes and replaces any/all previously issued guidance and recommendations regarding nursing home visitation previously issued by the Department.

The Department further expects that all nursing homes adhere to the Core Principles of COVID-19 Infection Prevention which include the following:

- Visitors who have a positive viral test for COVID-19, symptoms of COVID-19, or currently meet the criteria for quarantine, should not enter the facility. Facilities should screen all who enter for these visitation exclusions.
 - Hand hygiene (use of alcohol-based hand rub is preferred)
 - Face covering or mask (covering mouth and nose) and physical distancing at least six feet in between people, in accordance with CDC guidance
 - Instructional signage throughout the facility and proper visitor education on COVID-19 signs and symptoms, infection control precautions, other applicable facility practices (e.g., use of face covering or mask, specified entries, exits and routes to designated areas, hand hygiene)
 - Cleaning and disinfecting high frequency touched surfaces in the facility often, and designated visitation areas after each visit
 - Appropriate staff use of personal protective equipment (PPE)
 - Effective cohorting of residents (e.g., separate areas dedicated to COVID-19 care) and
- Resident and staff testing conducted as required at 42 CFR § 483.80(h) (see [QSO-20-38-NH REVISED \(PDF\)](#)) as referenced in NH-DAL 21-23 issued October 27, 2021.

These core principles are consistent with the Centers for Disease Control and Prevention ([CDC guidance](#) for nursing homes, and should be **adhered to at all times**.

Important highlights in QSO 20-28-NH:

1. Ombudsman Program

As stated in previous Department and CMS guidance [QSO-20-28-NH \(revised\)](#), regulations at 42 CFR § 483.10(f)(4)(i)(C) require 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 in TBP or 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. We note that representatives of the Office of the Ombudsman should adhere to the core principles of COVID-19 infection prevention as described above. If the resident or the Ombudsman program requests alternative communication in lieu of an in-person visit, facilities must, at a minimum, facilitate alternative resident communication with the Ombudsman program, such as by phone or through use of other technology. Nursing homes are also required under 42 CFR § 483.10(h)(3)(ii) to allow the Ombudsman to examine the resident's medical, social, and administrative records as otherwise authorized by State law.

Guidance referenced above should also be followed for those Protection and Advocacy Programs (P&A) seeking to access residents consistent with their responsibilities under 42 CFR § 483.10(f)(4)(i)(E) and (F). Lastly, each facility must comply with federal disability rights laws such as Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) and the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq. (ADA).

2. **Communal Activities, Dining and Resident Outings**

While adhering to the core principles of COVID-19 infection prevention, communal activities and dining may occur. Book clubs, crafts, movies, exercise, and bingo are all activities that can be facilitated with alterations to adhere to the guidelines for preventing transmission. The safest approach is for everyone, regardless of vaccination status, to wear a face covering or mask while in communal areas of the facility. For more information, see the Implement Source Control section of the CDC guidance "[Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 \(COVID-19\) Pandemic.](#)"

As we approach the holidays facilities must permit residents to leave the facility as they choose but should remind the resident and any individual accompanying the resident to follow all recommended infection prevention practices include use of face coverings or mask, physical distancing, and hand hygiene.

Residents who leave the facility for 24 hours or longer should generally be managed as a new admission or readmission, as recommended by the CDC's [Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes.](#)

The Department expects that all nursing home providers routinely visit and familiarize themselves with the updated guidance on the comprehensive CDC website, as it relates to nursing homes.

3. State Survey Agency Responsibilities:

Effective immediately, and consistent with this document, LTC facilities are not permitted to restrict access to surveyors based on vaccination status, NOR ask a surveyor to demonstrate proof of vaccination status as a condition of entry. That said, surveyors are not to enter a facility if they have a positive viral test for COVID-19 or they are exhibiting signs or symptoms of COVID-19. State Surveyors should also adhere to the core principles of COVID-19 infection prevention and adhere to any COVID-19 infection prevention requirements set by federal and state agencies (including Executive Orders).

Questions related to this correspondence should be forwarded for response to covidnursinghomeinfo@health.ny.gov Thank you in advance to your attention and compliance with this updated visitation guidance.

Sincerely,



Sheila McGarvey
Director
Division of Nursing Homes and
ICF/IDD Surveillance

Cc: Kathy Marks
Adam Herbst
Jennifer Treacy
Mark Hennessey
Valerie Deetz
Mary Jane Vogel