

NYS Department of Health Announced Conditions for Re-Opening Visitation in NHs and Adult Care Facilities

On July 10, 2020 the NYS State Department of Health issued advisories to NH (NH) and adult care facilities (ACF) operators and administrators to permit outside visitation and limited indoor visitation for facilities **in PHASE 3 regions** when certain conditions are met. NHs are subject to more extensive requirements and limitations.

Limited visitation in NHs may resume when:

1. The NH is complying with all state and federal requirements, state Executive orders and guidance, state reporting requirements and federal requirements for submission of COVID-19 data.
2. The NH has protocols in place for separating residents into cohorts of positive, negative, and unknown for COVID-19 infection, and has separate staff for positive and negative residents. Residents must be transferred to another facility if the NH cannot separate them.
3. The NH has filed the required safety plan with the Department of Health.
4. The NH has no staffing shortages.
5. **No active or new onset of COVID-19 cases of staff or residents for at least 28 days.**
6. All consenting NH residents must receive a baseline COVID-19 test, and the NH must have the capability of testing all residents if any individual displays symptoms of COVID-19, or be able to arrange for such testing. The NH must also have the capacity to retest staff and residents if a staff member tests positive for COVID-19.
7. Adherence to written approved daily screening and monitoring protocols for staff, residents and anyone entering the building.
8. Posting of NH's formal visitation plan in the facility, on the website, and publicized by email or social media to provide clear guidelines for visiting or to announce a pause in visitation due to an increase in positive COVID-19 diagnosis in residents or staff.

If the above conditions are met, visitation may resume in accordance with the following guidelines, which must be included in the NH's safety plan:

- a. Visiting shall occur outdoors, weather permitting. Indoor visitation may only occur in a well-ventilated space with no more than 10 individuals, including residents who are visiting with each other. All persons must be socially distanced and wearing facemasks or coverings.
- b. No more than two visitors per resident, and no more than 10% of residents may have visitors at any one time. Length of the visit will be in compliance with NH policy.
- c. Visitors under the age of 18 must be accompanied by an adult 18 years of age or older
- d. No visitors allowed for residents who have active COVID-19 or tested positive for 14 days. (Prior compassion care exception is still in place.)
- e. No visitation in resident's room (except pediatric visitation for parents and immediate family)

- f. Visitors may include, and are not limited to, family members, loved ones, and representatives from long-term care ombudsman program and resident advocacy organization.
- g. Adequate numbers of staff must be present to help with transition of residents, monitor visitation, and clean and disinfect visiting areas after each visit.
- h. Visitors must be screened for signs and symptoms of COVID. Those who do not pass the screening guidelines must be denied visitation. Screening guidelines and mask requirements must be posted and screening documentation must be kept for review.
- i. The NH must provide a mask to the visitor who lacks an adequate face covering, and must provide alcohol-based hand sanitizer to residents and visitors.
- j. NH facilities must publish a fact sheet of their visitation policy including visiting hours, safety rules and conditions.
- k. If any visitor fails to adhere to the published protocols, the facility must prohibit that individual from visiting.

ACFs in Phase 3 regions may resume limited visitation when similar conditions are met and subject to similar limitations. ACFs are subject to fewer reporting requirements for COVID-19 data, have fewer requirements regarding testing arrangements, and are not required to cohort residents. In ACFs, permitted visitors include peer bridgers and care managers.

The Department of Health can rescind the rules for NHs and ACFs at any time due to community or facility spread of infection, or the failure of a facility to follow these requirements. Visitation is subject to staff availability to implement the visitation requirements.

This is a summary of the NYS Department of Health requirements. Refer to the Health Advisories for complete details:

https://www.health.ny.gov/press/releases/2020/2020-07-10_resumption_of_limited_nh_visitation.htm

<https://www.manatt.com/Manatt/media/Documents/Articles/Health-Advisory-Visitation-in-Adult-Care-Facilities.pdf>