



January 2022

To our families, loved ones, and friends,

We are reaching out to share an update on nursing home visitation as announced by the Office of the Governor and the New York State Department of Health.

All visitors will now be required to present a negative COVID-19 test result (rapid or PCR test) within 24 hours of their scheduled visit.

Each visit will require a negative test within 24 hours of the scheduled visit. Visitors are also required to wear a disposable surgical mask throughout their entire visit.

We recommend obtaining a negative COVID-19 result prior to arriving at our community to expedite the check-in process. All visitors will continue to be pre-screened through temperature checks and a dedicated COVID-19 questionnaire.

Additional COVID-19 tests will be made available for visitors who are unable to access a test prior to their visit.

Thank you for your ongoing support as we continue to take every precaution to ensure the safety and wellness of our community at-large.

Sincerely,
Administration

To our Beloved Families, Friends, and Loved Ones at The Grove,

It is with great excitement that we share with you our updated guidance for patient-centered visitation here at The Grove. Beginning on Friday, July 23rd, we will continue indoor and outdoor visitation with more flexible guidelines.

UPDATED GUIDELINES:

For Fully Vaccinated Visitors Visiting Vaccinated Patients:

- Visitation hours: 9am-8pm Sunday through Friday
- Proof of vaccination status required upon initial entry.
- Core principles of infection control must be maintained at all times.
- A safe, social distance from other visitors or patients must be kept at all times. No visitors in dining room areas.
- Masks must be worn at all times UNLESS in a room with another fully vaccinated patient or the only visitors in the hallway area.
- Please consult with a staff member if you would like to bring a resident to another location in the facility or outside.

For Unvaccinated Visitors or Residents (this means if either the visitor OR resident is not fully vaccinated):

- Visitation hours: 2pm-5pm and 6pm-8pm Sunday through Friday
- Visits must be scheduled in advance by using our online visitation portal: familycenter.io

- In order to receive the confirmation code from our family portal, the mobile number **MUST** be one that is listed on the patient's chart.
- Visitors will be highly encouraged to receive a negative covid test within 7 days of their visit.

Other Details:

- Patients that are unvaccinated and new to our community are under an observational period and additional PPE will be required for the duration of the visit. These patients are unable to leave their rooms until their observational period is deemed over by the clinical team.
- Per CDC guidelines, "fully vaccinated" means at least 2 weeks has passed since receiving the 2nd dose of the Pfizer or Moderna vaccine, or the one-dose J&J vaccine.

For any questions in reference to visitation, visitation cancellations, or difficulty accessing the visitation portal we ask that you connect with our team in advance by reaching us on the line below between the hours of:

9am-3pm, Monday- Friday:

Visitation Line: 914-885-4558.

As we continue to navigate this historic pandemic we do so with the deepest level of gratitude and thanks to our team, who have gone above and beyond to ensure the highest quality of care and compassion for those we serve.

With Love, Respect, and Continuing Admiration,

Judah Zutler, Administrator
(914) 681-8400



June 2021

To our Beloved Families, Friends, and Loved Ones,

It is with great excitement that we share with you our updated guidance for in-person visitation here at The Grove.

Beginning on June 21st, in-person indoor and outdoor visitation will resume **Monday through Friday from 2:00 pm - 5:00 pm**. Residents and visitors will have their choice of an indoor or outdoor visit, weather permitting. Visitation will resume during the designated hours mentioned previously until otherwise noted in accordance with the New York State Department of Health's guiding principles on infection control and community safety.

To schedule your visit, we ask that you reference our new portal:

www.familycenter.io

This link will be made available via our mass text program as well as through a button on our main website: www.TheGroveRehab.com

We have added a navy blue website button entitled, "*Click here to book your visit,*" which will redirect you to the family center scheduling portal.

To access our scheduling portal, formerly Calendly.com, please visit the link above or our website:

1. Please enter your mobile number
2. A confirmation code will be texted to the number provided and the visitor must enter the code to access the portal. ***In order to receive the confirmation code, the mobile number MUST be one that is listed in the patient's chart.***
3. If your loved one is currently under observation at our community, a member of our team will reach out and confirm a virtual visit, as patients under observation will not be eligible for an in-person visit until observations have been lifted by our clinical team.

The opportunity to visit in-person is so important to all of us, and we are so excited for this next phase in our visitation policy.

As is our current visitation policy, visitors will continue to be screened prior to each visit. COVID-19 testing prior to entering our community will be made available and is strongly encouraged. Visitors will be required to wear a mask at all times throughout the duration of their visit. Masks and requested PPE will be made available to all visitors, per request.



We ask that the number of visitors per visit be limited to two (2) to accompany additional visits taking place in our community. Children under the age of 18 will be permitted to visit if accompanied by a responsible party over the age of 18. No pets will be allowed at this time.

For any questions in reference to visitation, visitation cancellations, or special weekend and evening accommodations on a case-by-case basis, we ask that you connect with our team in advance by reaching us on the line below between the hours of:

9:00 am - 4:00 pm, Monday - Friday:

(914) 885-4558

In celebration of Father's Day 2021, we will be hosting an exclusive Father's Day visitation special for our male residents on Sunday, June 20th from 2:00 pm - 5:00 pm.

As we continue to navigate this historic pandemic we do so with the deepest level of gratitude and thanks to our team, who have gone above and beyond to ensure the highest quality of care and compassion for those we serve.

With Love, Respect, and Continuing Admiration,

Ari Laufer, Administrator



March 2021

To our Incredible Families, Friends, and Loved Ones,

It is with great excitement that we share with you the latest guidance in reference to our community's visitation policy.

The New York State Department of Health has announced, in coordination with the Centers for Disease Control and Prevention (CDC), that nursing home visitation will resume in respect to compliance with stated local, state, and federal mandates.

Our team has included a comprehensive reference checklist to ensure the highest standards of safety and wellness for our staff, and our residents, patients, and their families and loved ones.

The last 12+ months have been unprecedented. Our team would like to thank you for your consistent love, devotion, support, and thanks over the course of the last year as we have navigated and continue to navigate through a time that will live on in infamy. Your support and love has kept us going each and every day.

We would also like to take this opportunity to honor and recognize our incredible team members, who never steered away from this challenging time, and whose commitment has allowed us to shine so much light during a time of such great darkness. We are so proud of you, and are so honored to continue standing beside each and every one of you. The level of appreciation and pride that we have for our team is beyond words can describe.

To our community, thank you from the bottom of our hearts for your support. Welcome home, families and loved ones; we can't wait to see you!

With love, respect, and continuing admiration,

Aryeh Laufer, Administrator

<p><input type="checkbox"/> Visitors will be screened upon entry, which will include temperature checks, completion of a visitation entry questionnaire, and presentation of one's latest COVID-19 test results</p>
<p><input type="checkbox"/> Testing before entry is strongly encouraged by the Department of Health. Nursing homes are strongly encouraged to test visitors prior to their visit to reduce the risk of COVID-19 transmission</p>
<p><input type="checkbox"/> Complimentary COVID-19 testing will be made available to those who would like to be tested prior to entry into our community</p>
<p><input type="checkbox"/> Visitors must wear a mask at all times throughout the duration of their visit. This is a non-negotiable and our administration reserves the right to conclude the visit if this requirement is not respected</p>
<p><input type="checkbox"/> The number of visitors per resident, as well as the allotted length of time for each visit, will be limited and structured in such a way to allow for all residents to participate in visitation, while in accordance with the Department of Health's guidance on the core principles of COVID-19 infection prevention</p>
<p><input type="checkbox"/> Designated visitation safe zones have been created within our community to ensure both safety and privacy during your visit</p>
<p><input type="checkbox"/> Signage has been installed within our community to guide visitors on proper wearing of PPE, directional guidance, and displayed visitation zones</p>
<p><input type="checkbox"/> We encourage proper 6-foot distancing throughout one's visit</p>
<p><input type="checkbox"/> Additional PPE will be made available to visitors and provided upon request</p>
<p><input type="checkbox"/> Outdoor visitation, weather permitting, will be encouraged</p>
<p><input type="checkbox"/> Visitors who are unable to adhere to the core principles of COVID-19 infection prevention will not be permitted to visit and may be asked to leave:</p>
<p><input type="checkbox"/> Indoor visitation will be contingent upon our county's infection rate. Indoor visitation will be limited during instances in which the county's infection rate is >10% AND <70% of residents in facility are fully vaccinated</p>
<p><input type="checkbox"/> Residents and patients currently under quarantine, whether vaccinated or unvaccinated, will be permitted for visitation once cleared by clinical administration and fulfillment of quarantine protocols met by the discontinuation of transmission-based precautions</p>
<p><input type="checkbox"/> Residents and patients who are confirmed positive for COVID-19 or those currently under transmission-based precautions, will not be permitted for visitation until transmission-based precautions have been lifted and cleared by our clinical team</p>
<p><input type="checkbox"/> Our administration reserves the right to release ongoing guidance in reference to visitation to ensure the highest standards of safety and wellness for our residents, patients, and employees</p>



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

DATE: March 25, 2021

TO: Nursing Home Operators and Administrators, Directors of Nursing, Medical Directors, Infection Preventionists, Social Workers, and Activities Professionals

FROM: New York State Department of Health (Department)

Health Advisory: Revised Skilled Nursing Facility Visitation

**Please distribute immediately to:
Operators, Administrators, Directors of Nursing, Medical Director, Infection
Preventionists, Social Worker, Activities Professionals**

Purpose

The information contained in this directive supersedes and replaces previously issued guidance and recommendations regarding general nursing home (“NH”) visitation and is consistent with the U.S. Centers for Medicare & Medicaid Services (“CMS”) memorandum [QSO-20-39-NH](#) and Centers for Disease Control and Prevention (“CDC”) guidelines on such topics. Nothing in this directive should be construed as limiting or eliminating a NH’s responsibility to ensure that resident and family communication is ongoing and supported by virtual visits, whenever possible, nor does it change the guidance previously issued relative to visitation for medically necessary or end-of life services.

While both New York State and CMS guidance have focused on protecting nursing home residents from COVID-19, we recognize that physical separation from family and other loved ones has taken a physical and emotional toll on residents and their loved ones. Additionally, since the release of prior iterations of visitation directives, several COVID-19 vaccines have received Emergency Use Authorization from the Food and Drug Administration (“FDA”). Millions of vaccinations have since been administered to NH residents and staff across the country, and these vaccines have shown pronounced efficacy in helping to prevent symptomatic spread of SARS-CoV-2 infection (i.e., COVID-19). Nursing homes in New York State should be committed to ensuring all eligible and consenting residents and staff have the opportunity to be vaccinated. As such, and aligning with CMS, the DOH is revising the guidance regarding visitation in NHs during the COVID-19 Public Health Emergency (“PHE”).

The information contained in this directive supersedes and replaces previously issued guidance and recommendations regarding visitation, including the recent February 24, 2021 and the November 24th Holiday Guidance. Each facility is required to have appropriate policies and procedures in place to address infection control and prevention during and after visits and outings.

Please be advised that given the continued risk of COVID-19 transmission, the DOH continues to emphasize the importance of maintaining infection prevention practices and strongly encourages that all NHs continue testing visitors to help reduce any such risk of COVID-19 transmission.

Guidance

Visitation can be conducted through different means based on a facility's structure and residents' needs, such as in resident rooms, dedicated visitation spaces, outdoors, and for circumstances beyond compassionate care situations. Regardless of how visits are conducted, there are certain core principles and best practices that reduce the risk of COVID-19 transmission including, but not limited to:

- Screening of all who enter the facility for signs and symptoms of COVID-19 (e.g., temperature checks, questions about and observations of signs or symptoms), and denial of entry of those with signs or symptoms or those who have had close contact with someone with COVID-19 infection in the prior 14 days (regardless of the visitor's vaccination status);
- Hand hygiene (use of alcohol-based hand rub is preferred);
- The use of face coverings or masks (covering mouth and nose);
- Social distancing at least six feet between persons;
- 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);
- Resident and staff testing conducted as required at 42 CFR § 483.80(h) (see [QSO-20-38-NH](#)).

These core principles are consistent with CDC guidelines for nursing homes and should be **adhered to at all times**. Additionally, visitation should be person-centered and should consider the residents' physical, mental, and psychosocial well-being, and support their quality of life. The risk of transmission can be further reduced through the use of physical barriers (e.g., clear Plexiglass dividers, curtains). As such, the Department released a \$1 million dollar proposal to support those efforts. Also, nursing homes should enable visits to be conducted with an adequate degree of privacy. **Visitors who are unable to adhere to the core principles of COVID-19 infection prevention should not be permitted to visit or should be asked to leave**. By following a person-centered approach and adhering to these core principles, visitation can occur safely based on the below guidance.

Outdoor Visitation

While taking a person-centered approach and adhering to the core principles of COVID-19 infection prevention, **outdoor visitation is preferred even when the resident and visitor are fully vaccinated* against COVID-19**. Outdoor visits generally pose a lower risk of transmission due to increased space and airflow. Please be reminded that visits should be held outdoors whenever practicable.

However, weather considerations or an individual resident's health status (e.g., medical condition(s), COVID-19 status) may hinder outdoor visits. For outdoor visits, facilities should

create accessible and safe outdoor spaces for visitation, such as in courtyards, patios, or parking lots, including the use of tents, if available. When conducting outdoor visitation, all appropriate infection control and prevention practices should be adhered to.

**Note: Fully vaccinated refers to a person who is ≥ 2 weeks following receipt of the second dose in a 2- dose series, or ≥ 2 weeks following receipt of one dose of a single-dose vaccine, per the CDC's Public Health Recommendations for Vaccinated Persons.*

Indoor Visitation

Facilities should allow indoor visitation at all times and for all residents (regardless of vaccination status), **except** for a few circumstances when visitation should be limited due to a high risk of COVID-19 transmission (exception- compassionate care visits should be permitted at all times). These scenarios include limiting indoor visitation for:

- Unvaccinated residents if the nursing home's COVID-19 county positivity rate is $>10\%$ **AND** $<70\%$ of residents in the facility are fully vaccinated;
- Residents with confirmed COVID-19 infection, whether vaccinated or unvaccinated until they have met the criteria to discontinue Transmission-Based Precautions; **OR**
- Residents in quarantine, whether vaccinated or unvaccinated, until they have met criteria for release from quarantine.

Note: For county positivity rates go to: <https://data.cms.gov/stories/s/COVID-19-Nursing-Home-Data/bkwz-xpvq>

Facilities should consider how the number of visitors per resident at one time and the total number of visitors in the facility at one time may affect the ability to maintain the core principles of infection prevention. In addition, nursing homes should:

- Consider scheduling visits for a specified length of time to help ensure all residents are able to receive visitors.
- Limit visitor movement in the facility.
- If possible, for residents who share a room, visits should not be conducted in the resident's room.
- For situations where there is a roommate and the health status of the resident prevents leaving the room, facilities should attempt to enable in- room visitation while adhering to the core principles of COVID-19 infection prevention.
- Allow for, if the resident is fully vaccinated, they can choose to have close contact (including touch) with their visitor while wearing a well-fitting face mask and performing hand-hygiene before and after. Regardless, visitors should physically distance from other residents and staff in the facility.

Indoor Visitation During an Outbreak

An outbreak exists when a new nursing home onset of COVID-19 occurs (i.e., a new COVID-19 case among residents or staff). With the appropriate safeguards, visitation can still occur when there is an outbreak, but there is evidence that the transmission of COVID-19 is contained to a single area (e.g., unit) of the facility. To swiftly detect cases, nursing homes are reminded to adhere to CMS regulations and guidance for COVID-19 testing including routine staff testing, testing of individuals with symptoms, and outbreak testing, including but not limited to 42 CFR 483.80(h) and [QSO-20-38-NH](#). Nursing homes must also comply with NYS executive orders, regulations, and applicable Department guidance governing testing.

When a new case of COVID-19 among residents or staff is identified, nursing homes should immediately begin outbreak testing and suspend all visitation (except that required under federal disability rights law), until at least one round of facility-wide testing is completed. Visitation can resume based on the following criteria:

- If the first round of outbreak testing reveals **no additional COVID-19 cases in other areas (e.g., units) of the facility**, then visitation can resume for residents in areas/units with no COVID-19 cases. However, the facility should suspend visitation on the affected unit until the facility meets the criteria to discontinue outbreak testing.
 - For example, if the first round of outbreak testing reveals two more COVID-19 cases in the same unit as the original case, but not in other units, visitation can resume for residents in areas/units with no COVID-19 cases.
- If the first round of outbreak testing **reveals one or more additional COVID-19 cases in other areas/units of the facility** (e.g., new cases in two or more units), then facilities should suspend visitation for all residents (vaccinated and unvaccinated), until the facility meets the criteria to discontinue outbreak testing.

While the above scenarios describe how visitation can continue after one round of outbreak testing, facilities should continue all necessary rounds of outbreak testing. In other words, this guidance provides information on how visitation can occur during an outbreak but does not change any expectations for testing and adherence to infection prevention and control practices. If subsequent rounds of outbreak testing identify **one or more additional COVID-19 cases in other areas/units of the facility**, then facilities should suspend visitation for all residents (vaccinated and unvaccinated), until the facility meets the criteria to discontinue outbreak testing.

NOTE: In all cases, visitors should be notified about the potential for COVID-19 exposure in the facility (e.g., appropriate signage regarding current outbreaks), and adhere to the core principles of COVID-19 infection prevention, including effective hand hygiene and use of face-coverings.

Visitor Testing and Vaccination

DOH strongly recommends that all facilities offer testing to visitors. CMS encourages facilities in medium- or high-positivity counties to offer testing if feasible. Nursing homes should prioritize visitors that visit regularly (e.g., weekly), although any visitor can be tested. Facilities may also encourage visitors to be tested on their own prior to coming to the facility (e.g., within 2–3 days). In addition, the DOH encourages visitors to become vaccinated when eligible. While visitor testing and vaccination can help prevent the spread of COVID-19, **visitors should not be required to be tested or vaccinated (or show proof of such) as a condition of visitation. This also applies to representatives of the Office of the State Long-Term Care Ombudsman and protection and advocacy systems, as described below.**

Potential Visit Related Exposures

In addition and consistent with DOH policy, if a visitor to a nursing home tests positive for SARS-CoV-2 by a diagnostic test and the visit to the NH occurred from two days before the visitor's symptom onset (or in the 2 days before the date of collection of the positive sample for visitors who remained asymptomatic) to the end of the visitor's isolation period, there is a potential for exposure. Exposures among visitors and residents should be evaluated using community contact tracing guidelines, meaning exposure is defined by the proximity of the individuals and duration of the visit (contact within 6 feet and duration 10 minutes or more) regardless of personal protective equipment (PPE) or face covering used by the visitor or the resident.

The following should be evaluated to determine the appropriate follow-up when there is identification of a visitor who tests positive for COVID-19. If the following are confirmed by the facility:

- a. the visit was supervised by an appropriate facility staff member; and
- b. the visit was conducted in a common area or outdoor area that does not require the visitor to enter a resident unit; and
- c. the visitor complied with all COVID-19 precautions including hand hygiene and appropriate use of a face mask or face covering, and
- d. the visitor and the resident maintained at least 6 feet of distance from each other for the entire duration of the visit; and
- e. the visitor maintained at least 6 feet of distance from all other visitors, residents, and staff for the entire duration of the visit.

Then, the appropriate action should be taken with respect to residents only, if all of the above are confirmed, the resident who received the visit should be placed on a 14- day quarantine in a single room in the designated observation area using Contact plus Droplet precautions and eye protection. The resident should be monitored for symptoms and have temperature checks every shift. Testing for SARS-CoV-2 could be considered for greater assurance of the resident's COVID-19 status, every 3 to 7 days for at least 14 days.

If all of the above cannot be confirmed by the facility, NHs should proceed as they would after identification of a COVID-19 positive staff member, including conducting contact tracing to determine the extent of the exposure within the facility. On affected units (or entire facility, depending on the amount of contact), NHs should initiate testing every 3 days to 7 days until testing identifies no new cases of COVID-19 infection among staff or residents for a period of at least 14 days since the most recent positive result, use of transmission based precautions and testing for influenza (as per 10 NYCRR 415.33).

Facility staff who are exposed according to CDC HCP exposure guidance should be furloughed. See: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html>. If contacts include other visitors, those visitors should be considered exposed if contact was within 6 feet for more than 10 minutes to the COVID -19 positive visitor, regardless of PPE or face covering worn. Facility staff or visitors who identified as exposed at the facility should be reported by the facility to the local health department where the individual resides.

Compassionate Care Visits

While end-of-life situations have been used as examples of compassionate care situations, the term "compassionate care situations" does not exclusively refer to end-of-life situations. Compassionate care visits, and visits required under federal disability rights law, **should be allowed at all times**, regardless of a resident's vaccination status, the county's COVID-19 positivity rate, or an outbreak. Using a person-centered approach, nursing homes should work with residents, families, caregivers, resident representatives, and the Ombudsman program to identify the need for compassionate care visits.

Examples of other types of compassionate care situations include, but are not limited to:

- A resident, who was living with their family before recently being admitted to a nursing home, is struggling with the change in environment and lack of physical family support.
- A resident who is grieving after a friend or family member recently passed away.
- A resident who needs cueing and encouragement with eating or drinking, previously provided by family and/or caregiver(s), is experiencing weight loss or dehydration.
- A resident, who used to talk and interact with others, is experiencing emotional distress,

seldom speaking, or crying more frequently (when the resident had rarely cried in the past).

- Visits by any individual that can meet the resident's needs, such as clergy or lay persons offering religious and spiritual support.

Required Visitation

Consistent with 42 CFR § 483.10(f) (4) (v) a nursing home shall not restrict visitation without a reasonable clinical or safety cause. A nursing home **must** facilitate in-person visitation consistent with the applicable CMS regulations, which can be done by applying the guidance stated above. Failure to facilitate visitation, without adequate reason related to clinical necessity or resident safety, would constitute a potential violation of 42 CFR § 483.10(f) (4), and the facility would be subject to citation and enforcement actions.

Residents who are on transmission-based precautions for COVID-19 should only receive visits that are virtual, through windows, or in-person for compassionate care situations, with adherence to transmission-based precautions as referenced throughout this guidance document. This restriction should be lifted once transmission-based precautions are no longer required per CDC guidelines and other visits may be conducted as described above.

Access to the Long-Term Care Ombudsman

Nursing homes are reminded that 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. During this PHE, in-person access may be limited due to infection control concerns and/or transmission of COVID-19, such as the scenarios stated above for limiting indoor visitation; however, in-person access may not be limited without reasonable cause. CMS requires representatives of the Office of the Ombudsman to adhere to the core principles of COVID-19 infection prevention as described above. If in-person access is deemed inadvisable (e.g., the Ombudsman has signs or symptoms of COVID-19), facilities must, at a minimum, facilitate alternative resident communication with the ombudsman, 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.

Federal Disability Rights Laws and Protection & Advocacy (P&A) Programs

Section 483.10(f)(4)(i)(E) and (F) requires the facility to allow **immediate access** to a resident by any representative of the protection and advocacy systems, as designated by the state, and as established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act), and of the agency responsible for the protection and advocacy system for individuals with a mental disorder (established under the Protection and Advocacy for Mentally Ill Individuals Act of 2000).

Protection and Advocacy programs authorized under the DD Act protect the rights of individuals with developmental and other disabilities and are authorized to "investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe the incidents occurred." 42 U.S.C. § 15043(a)(2)(B). Under its federal authorities, representatives of Protection and Advocacy programs are permitted access to all facility residents, which includes "the opportunity to meet and communicate privately with such individuals regularly, both formally and informally, by telephone, mail and in person." 42 CFR § 51.42(c); 45 CFR § 1326.27.

Additionally, each facility must comply with federal disability rights laws such as **Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA)**. For example, if a resident requires assistance to ensure effective communication (e.g., a qualified interpreter or someone to facilitate communication) and the assistance is not available by onsite staff or effective communication cannot be provided without such entry (e.g., video remote interpreting), the facility must allow the individual entry into the nursing home to interpret or facilitate, with some exceptions. This would not preclude nursing homes from imposing legitimate safety measures that are necessary for safe operations, such as requiring such individuals to adhere to the core principles of COVID-19 infection prevention.

Any questions about or issues related to enforcement or oversight of the non-CMS requirements and citations referenced above under this section subject heading should be referred to the HHS Office for Civil Rights, the Administration for Community Living, or other appropriate oversight agency.

Survey Considerations

Federal and state surveyors **are not required** to be vaccinated and must be permitted entry into facilities unless they exhibit signs or symptoms of COVID-19. Surveyors should also adhere to the core principles of COVID-19 infection prevention and adhere to any COVID-19 infection prevention requirements set by state law.

Entry of Healthcare Workers and Other Providers of Services

Health care workers who are not employees of the facility **but provide direct care** to the facility's residents, such as hospice workers, Emergency Medical Services (EMS) personnel, dialysis technicians, laboratory technicians, radiology technicians, social workers, clergy, etc., must be permitted to come into the facility as long as they are not subject to a work exclusion due to an exposure to COVID-19 or showing signs or symptoms of COVID-19 after being screened.

EMS personnel do not need to be screened, so they can attend to an emergency without delay. Nursing homes are reminded that all staff, including individuals providing services under arrangement as well as volunteers, should adhere to the core principles of COVID-19 infection prevention and must comply with COVID-19 testing requirements.

Using a person-centered approach when applying this guidance should cover all types of visitors, including those who may have been previously categorized as "essential caregivers."

As a reminder, the resumption of existing construction projects, and specifically, those projects directly impacting the lives of nursing home residents that were previously approved by the Department may move forward with submission of and approval by the Department of a revised mitigation/prevention plan outlining at a minimum, testing, screening, PPE use, distance from residents, etc.

Note: Under no circumstance, will the Department allow for such resumption of a renovation or construction project(s) in or adjacent to a functioning and occupied dedicated COVID unit.

Communal Dining and Activities

Communal dining and activities may occur while adhering to the core principles of COVID-19 infection prevention. Residents may eat in the same room with social distancing (**e.g., limited number of people at each table and with at least six feet between each person**). Nursing homes should consider additional limitations based on status of COVID-19 infections in the facility and the size of the room being used and the ability to socially distance residents (e.g. limit to 10 residents and staff in smaller spaces).

Additionally, group activities may also be facilitated (for residents who have fully recovered from COVID-19, and for those not in isolation for observation, or with suspected or confirmed COVID-19 status) with social distancing among residents, appropriate hand hygiene, and use of a face covering (except while eating). Nursing homes may be able to offer a variety of activities while also taking necessary precautions. For example, book clubs, crafts, movies, exercise, and bingo are all activities that can be facilitated with alterations to adhere to the guidelines for preventing transmission.

Questions related to the guidance, which is effective immediately should be forwarded in writing to Covidnursinghomeinfo@health.ny.gov.



Hello Families and Loved Ones of The Grove at Valhalla Rehabilitation and Nursing Center,

We have received visitation guidelines from The Department of Health last evening, February 22nd, and we are so thankful for the opportunity to welcome you back to our community. As you can imagine, there are many layers of guidelines and qualifications that we as a community must take to allow for safe visitation; we are both eager and excited for this day!

To ensure the most transparency as possible, we have included the guidelines we have received from the Department of Health.

Four important areas for us are:

- COVID-19 positive cases in the past 14 days
- Outbreak testing
- COVID-19 percentage in the community
- Ensuring visitors have negative COVID-19 test results within 72 hours of planned visitation

We will be hosting a community call on February 25th at 4pm to share with you the specifics here at The Grove:

Dial-In Credentials:
631-534-7289

We have missed you so very much, and feel like this is the beginning of the end of this global pandemic; thank you for your continued support during this time.

Best,

Administration



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

DATE: February 22, 2021
TO: Nursing Home Operators and Administrators
FROM: New York State Department of Health (Department)

Health Advisory: Revised Skilled Nursing Facility Visitation

**Please distribute immediately to:
Operators, Administrators, Directors of Nursing, Medical Director, Activities Professionals**

The information contained in this directive supersedes and replaces previously issued guidance and recommendations regarding general nursing home (NH) visitation and aligns with CMS and CDC guidelines on such topic. Nothing in this directive should be construed as limiting or eliminating a nursing home's (NH's) responsibility to ensure that resident and family communication is ongoing and supported by virtual visits, whenever possible, nor does it change the guidance previously issued relative to visitation for medically necessary or end-of-life services.

Based on the needs of residents and a facility's structure, visitation can be conducted through a variety of means, such as in resident rooms, dedicated visitation spaces and outdoors weather permitting. Regardless of how visits are conducted, there are certain core principles and best practices that reduce the risk of COVID-19 transmission and must be followed.

Beginning **February 26, 2021**, nursing homes may expand visitation and/or activities under this revised guidance if able to continue following the core principles of infection control and prevention, under the following conditions:

1. Full compliance with both state and federal reporting requirements including COVID-19 focus surveys, daily HERDS, weekly staff testing surveys, and the federally required weekly submission of COVID-19 data to the National Healthcare Safety Network (NHSN).
2. The operator or designee must retain a copy of the revised facility's visitation plan at the facility where it is easily accessible and immediately available upon request of the Department or local health department. The plan must clearly articulate the space(s) to be used for visitation (outdoors and indoors) including the number of visitors and residents which could be safely socially distanced within the space(s). The plan must reference relevant infection control policies for visitors.

3. There has been no new onset of COVID-19 cases in the last **14 days** and the facility is not currently conducting outbreak testing as reported on daily HERDS submissions. Please be advised that the Department reserves the right to verify such accuracy of reporting as part of its routine surveillance activities.
4. Visitors must be able to adhere to the core principles, including infection prevention and control policies, and staff are expected to provide monitoring for those who may have difficulty adhering to core principles.
5. Facilities must have policies widely communicated to residents, staff and visitors that limit the number of visitors per resident at one time and limit the total number of visitors in the facility at one time (based on the size of the building and physical space). Facilities should consider scheduling visits for a specified length of time to help ensure all residents are able to receive visitors.
6. Facilities should limit movement in the facility, including limiting visitors from walking around different halls of the facility. Instead, visitors should go directly to the resident's room or designated visitation area. Visits for residents who share a room should not be conducted in the resident's room unless the roommates are spouses.
7. Adherence to written screening protocols for all staff during each shift, each resident daily, and all persons entering the facility or grounds of such nursing home, including visitors, vendors, students and volunteers.
8. The number of visitors to the nursing home must not exceed **twenty percent (20%)** of the resident census at any time and the number of visitors and time allocated to visitation should take into consideration that many residents and their loved ones will want to avail of such visits. Policies and procedures should be revised to afford every opportunity for visits in a safe and thoughtful manner. Policies should also contemplate the need for adequate supervision and strict adherence to the core principles of infection prevention and control.
9. Visitors under the age of 16 must be accompanied by an adult 18 years of age or older.
10. Current COVID-19 positive residents, residents with COVID-19 signs or symptoms, and residents in a 14-day quarantine or observation period remain ineligible for in-person visits. In these instances, every effort should be made to accommodate visits using electronic devices and alternative visitation techniques.
11. Facilities should use the COVID-19 county positivity rates, found on the CMS COVID-19 Nursing Home Data site (link can be found at: <https://data.cms.gov/stories/s/COVID-19-Nursing-Home-Data/bkwz-xpvg>) to determine when visitation should be paused. When the county positivity rate is high (>10%), visitation must only occur for compassionate care situations according to the core principles of COVID-19 infection prevention and facility policies.
12. Facilities should accommodate and support indoor visitation, including visits for reasons beyond compassionate care situations, based on the following guidelines:
 - a) There has been no new onset of COVID-19 cases in the last 14 days and the facility is not currently conducting outbreak testing;
 - b) Visitors should be able to adhere to the core principles and staff must provide monitoring for those who may have difficulty adhering to core principles, such as children;
 - c) Facilities should limit the number of visitors per resident at one time and limit the total number of visitors in the facility at one time (based on the size of the

building and physical space). Facilities should consider scheduling visits for a specified length of time to help ensure all residents are able to receive visitors; and

- d) Facilities should limit movement in the facility. For example, visitors should not walk around different halls of the facility. Rather, they should go directly to the resident's room or designated visitation area. Visits for residents who share a room **should not** be conducted in the resident's room. For situations where there is a roommate and the health status of the resident prevents leaving the room, facilities should attempt to enable in-room visitation while adhering to the core principles of COVID-19 infection prevention.

13. Facilities must use the CMS COVID-19 county positivity rate, found on the COVID-19 Nursing Home Data site (link available at: <https://data.cms.gov/stories/s/COVID-19-Nursing-Home-Data/bkwz-xpvg>) as additional information to determine how to facilitate indoor visitation, and must abide by the following:

Low (<5%) = Visitation should occur according to the core principles of COVID-19 infection prevention and facility policies (beyond compassionate care visits). For county COVID-19 positivity rates below 5%, visitor testing is strongly encouraged; facilities may utilize rapid testing.

- Medium (5% – 10%) = Visitation should occur according to the core principles of COVID-19 infection prevention and facility policies (beyond compassionate care visits). Visitor testing is required. Visitors must either: present a negative COVID-19 test result from within the past seventy-two hours (72), or facilities may utilize rapid testing to meet the testing requirement. Additionally, all visitors must adhere to all infection control practices.

- High (>10%) = Visitation must only occur for compassionate care situations according to the core principles of COVID-19 infection prevention and facility policies. Facilities should offer rapid testing whenever possible.

14. While taking a person-centered approach and adhering to the core principles of COVID-19 infection prevention, outdoor visitation can be conducted in a manner that reduces the risk of transmission. Outdoor visits pose a lower risk of transmission due to increased space and airflow. Therefore, all visits should be held outdoors whenever practicable. Aside from weather considerations (e.g., inclement weather, excessively hot or cold temperatures, poor air quality), an individual resident's health status (e.g., medical condition(s), COVID-19 status), or a facility's outbreak status, outdoor visitation should be facilitated routinely. Facilities should create accessible and safe outdoor spaces for visitation, such as in courtyards, patios, or parking lots, including the use of tents, if available. When conducting outdoor visitation, facilities should have a process to limit the number and size of visits occurring simultaneously to support safe infection prevention actions (e.g., maintaining social distancing). We also recommend reasonable limits on the number of individuals visiting with any one resident at the same time.

In addition, nursing homes must follow the additional guidelines outlined below which include ensuring each of the following:

- Adequate staff present to allow for personnel to help with the transition of residents, monitoring of visitation, and cleaning and disinfecting of areas used for visitation after each visit using an EPA-approved disinfectant.
- Appropriate signage regarding facemask or face covering utilization and hand hygiene, and applicable floor markings to cue social distancing delineations must be in place at all times.
- Screening for signs and symptoms of COVID-19 prior to resident access.
- Documentation of screening must be maintained onsite in an electronic format and available upon the Department's request for purposes of inspection and potential contact tracing. Documentation **must** include the following for each visitor:
 - i. First and last name of the visitor;
 - ii. Physical (street) address of the visitor;
 - iii. Daytime and Evening telephone number;
 - iv. Date and time of visit; and
 - v. Email address if available
- a. Adequate PPE must be made available by the nursing home to ensure residents wear a face mask, if medically able to utilize a face covering during visitation. Visitors must wear a face mask or face covering at all times when on the premises of the nursing home and maintain social distancing. The nursing home must have adequate supply of masks on hand for visitors and make available to visitors who lack an acceptable face covering.
- b. Facilities provide alcohol-based hand rub to visitors or representatives of the long-term care ombudsman visiting residents and those individuals are able demonstrate appropriate use.
- c. The nursing home should develop a quick, easy to read fact sheet outlining visitor expectations including appropriate hand hygiene and face coverings. The fact sheet must be provided upon initial screening to all visitors.
- Small group activities will be permissible when the facility is not experiencing an outbreak and when space allows for appropriate social distancing, however, no more than 10 residents and staff will be permitted to engage in such activities at any one time.
- Weather permitting, residents may also be assisted to go outdoors with staff supervision and the appropriate infection control, safety and social distancing requirements maintained.
- All non-essential personnel are subject to the same infection control requirements as staff, including but not limited to testing for COVID-19 with the same frequency as for staff; screening, wearing a mask, performing hand hygiene, maintaining social

distancing.

- Allow for students and trainees enrolled in programs to become licensed, registered, certified, board eligible or otherwise to complete a program for health care professionals to receive training and otherwise participate in duties relevant to their program of training provided the nursing home environment is appropriate to the student's education, training and experience. Students should follow the guidelines established in their agreement between the nursing home and academic institution.

Compassionate Care Visits:

This guidance further clarifies that Compassionate Care Visits are permitted when visitation may not otherwise be permitted in accordance with the Department's current visitation guidance, and facilities may waive requirement of a visitor presenting a negative COVID-19 test prior to commencement of such visit under any of the below circumstances.

Compassionate care visits should include:

- Newly admitted residents with difficulty adjusting to the facility environment and lack of in-person family support.
- Residents recently grieving the loss of a friend or loved one.
- Residents who previously received in-person support and/or cueing from family for eating and drinking and are now experiencing dehydration and/or weight loss.
- Residents who are exhibiting signs and symptoms of emotional distress including, but not limited to, seldom speaking or crying more frequently (when the resident had rarely cried in the past), refusing to participate in an activity or activities, staying in bed longer than usual, or exhibiting behavior considered abnormal for the individual.
- Residents who receive religious or spiritual support from clergy or another layperson.

The situations above are not intended to be an exhaustive list. Additional compassionate care situations may be considered by the facility on a resident-specific basis. Testing should be encouraged, or facilitated wherever possible.

As a reminder, the resumption of existing construction projects, and specifically, those projects directly impacting the lives of nursing home residents that were previously approved by the Department with submission of and approval by the Department of a revised mitigation/prevention plan outlining at a minimum, testing, screening, PPE use, distance from residents, etc. ***Note: Under no circumstance, will the Department allow for such resumption of a renovation or construction project(s) in or adjacent to a functioning***

and occupied dedicated COVID unit.

Facilities should establish additional guidelines as needed to ensure resident and staff safety and continuity of facility operations. The Department will continue to evaluate and make additional recommendations 30 days after the effective date of this directive.

Information for healthcare providers on topics related to COVID-19 is readily available on the Department of Health public website at <https://coronavirus.health.ny.gov/information-healthcare-providers>.

Thank you for your ongoing support and cooperation in responding to the COVID-19 Public Health Emergency. Questions may be routed to covidnursinghomeinfo@health.ny.gov.



October 14, 2020

To Our Valued Families and Loved Ones,

We wanted to take this opportunity to extend our heartfelt thanks and appreciation for all of your love and support throughout the COVID-19 pandemic. As we know, New York State is slowly beginning to move forward with re-opening businesses and public spaces, and we wanted to connect with you to share the latest guidance in regards to light outdoor visitation, per the New York State Department of Health.

Previously, guidance required nursing homes to be absent from any new onset of COVID-19 in the nursing home for a period of twenty-eight (28) consecutive days.

The guidance has now been revised, and the New York State Department of Health now requires nursing homes to be absent from any new onset of COVID-19 for a period of **fourteen (14) consecutive days**.

Additionally, the New York State Department of Health now requires all visitors to provide negative COVID-19 test results prior to each visit. Test results must be within 7-days of their scheduled visit. Test results outside of the 7-day window will not be valid.

Visitors must email a copy of their negative COVID-19 test results to our community at aweiss@thegroverehab.com **24 hours prior to their visit**. These results will be reviewed by our community Infection Preventionist. Once you arrive to our community for your scheduled visit, you will be re-screened prior to meeting with your loved one.

Visitation is available on Tuesdays and Thursdays from 11am-12pm and from 2pm-5pm.

Our online Family Portal that will be used for reservations is now up and running - **familycenter.io**. A smart phone is required in order to use this portal and the mobile number must be a number that receives the community's daily text messages. The site will indicate the days and hours that visitation is available for the upcoming week.

For additional questions regarding our light outdoor visitation guidelines, please feel free to contact (call or text) our dedicated visitation line at: 914-885-4558 during the hours of 9am-5pm, Monday-Friday.

We strongly encourage all our family members to join our weekly family conference call on every Tuesday at 1:30pm to hear further updates regarding visitation and other important updates and changes occurring at the community. The dial-in number is 631-760-1013. The calls are approximately 15-20 minutes.

Please visit the website below for more information on COVID-19 testing sites near you: <https://coronavirus.health.ny.gov/find-test-site-near-you>

Our community is thriving and we continue to use digital platforms to ensure that our residents and patients continue to stay connected with their loved ones throughout this challenging time.

We encourage our families and loved ones of our patients and residents to stay connected with us through our community website and Facebook page for real-time updates and announcements.

Our community would like to thank and recognize our selfless team of heroes for going above and beyond the call of duty in ensuring that those under our care are in receipt of the highest standards of compassionate service.

With deep respect and admiration,
Administration



September 28, 2020

To Our Valued Families and Loved Ones,

We wanted to take this opportunity to extend our heartfelt thanks and appreciation for all of your love and support throughout the COVID-19 pandemic. As we know, New York State is slowly beginning to move forward with re-opening businesses and public spaces, and we wanted to connect with you to share the latest guidance in regards to light outdoor visitation, per the New York State Department of Health.

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With deep respect and admiration,
Administration



July 14, 2020

To our Valued Families and Loved Ones,

It is with great excitement that we connect with you to share an update on our community's visitation policy, per Governor Andrew Cuomo's latest Executive Order released on July 10th.

As shared by the order, facilities that are in Phase 3 regions of New York may begin allowing light outdoor visitation for families and loved ones as well as internal resident-to-resident communal engagement activities.

In efforts of promoting the highest levels of safety and wellness for our residents, employees, and families, facilities within Phase 3 regions of New York must also fulfill the necessary, mandatory requirements as noted below:

- Absence of any new onset of COVID-19 among both staff and residents for a period of no less than 28 days
- An established facility testing plan with access to adequate testing for all residents and staff as necessary
- Established protocols to separate and cohort residents that are positive, negative, or unknown with separate assigned staff for each zone
- A written and enforced infection control program and protocol that outlines in detail resident, employee, and visitor screening protocols

As resident and employee health and safety will always be our top priority, our team continues to develop and finalize our comprehensive visitation plan that exceeds all mandated requirements by the New York State Department of Health.

Once our plan has been completed and approved by local, state, and federal regulatory agencies, we will be sharing an additional update with you outlining the steps and requirements for outdoor family visitation.

We are so proud to share that since we restricted all visitation on March 11th, we have actively prepared specialized action plans on an ongoing basis to allow for a seamless and stress-free reopening of our center with the highest standards of safety and infection control.

We will continue to update our families via Facebook, weekly calls, and text messages to ensure that we are keeping our loved ones as up-to-date as possible as guidance is released.

COVID-19 continues to make its way across the nation and it is more important now than ever to remain vigilant and continue practicing proper social distancing, wearing masks, and hand washing.

This letter and update symbolizes the light at the end of the tunnel; the light all of us have been longing for. Words cannot express the level of sincere appreciation that we have for our employees. Our team has led with unparalleled professionalism and commitment to patient and resident care. Our administration would like to once again thank our team members for their tremendous heroism and thank our families for the continuous love and support given over the past five months.

We cannot wait to be with you soon and share each other's company. Until then, we will continue our preparations and protocols to soon reopen our center for visitation.

Sincerely,
Administration