

Comparison of CMS Visitation Guidance with NYS Department of Health Visitation Guidance
03/10/2021

	CMS	NYS Department of Health
Visitation Requirement	Must facilitate in-person visitation consistent with CMS regulations, applying QSO 20-39. Failure to do so, without clinical or safety need, is potential violation of federal reg, and subject to citation and enforcement actions.	Nursing homes may expand visitation and/or activities, if able to follow core principles of infection control and prevention, and if multiple conditions are met as indicated below.
Outdoor Visitation	Preferred. No restrictions based on outbreak status. Adhere to infection control practices.	Preferred. Appears to be prohibited if county positivity rate >10% or facility is in outbreak status.
Indoor Visitation	Allowed <u>unless</u> : <ul style="list-style-type: none"> • County positivity is >10%, and resident is unvaccinated, and <70% of residents are fully vaccinated,* or • Resident has COVID or is quarantined, or • Resident's unit or entire facility is in outbreak status (see below). 	Allowed <u>unless</u> : <ul style="list-style-type: none"> • Facility is in outbreak status (see below), or • County positivity is >10% (only compassionate care visits allowed in such counties), or • Resident has COVID, has COVID symptoms, is quarantined, or is in observation.
Visitation During Outbreak**	<ul style="list-style-type: none"> • Indoor visitation suspended in affected unit until COVID-free for 14 days. • Visitation suspended facility-wide for initial round of outbreak testing. If no additional COVID cases found in other units or areas, visitation may resume in unaffected areas. • Compassionate care visits, disability rights advocate visits, and outdoor visits allowed. 	<ul style="list-style-type: none"> • Indoor and outdoor visitation suspended facility-wide until facility is COVID-free for 14 days, even if 1 staff member on a single unit tests positive. • Compassionate care visitation allowed.
Visitor Testing/Vaccination	<ul style="list-style-type: none"> • Facilities encouraged to <i>offer</i> testing or encourage visitors to be tested, if feasible, in counties with positivity \geq5%. • Visitors <i>should not be required</i> to be tested or vaccinated. 	<ul style="list-style-type: none"> • Testing strongly encouraged in counties with positivity <5%. • Testing <i>required</i> in counties with positivity of 5-10%, unless visitor is fully vaccinated.** • Encouraged, but not required, for compassionate care visitors.
Compassionate Care	<ul style="list-style-type: none"> • Compassionate care and disability rights visits allowed at all times, regardless of resident's vaccination status, county's positivity rate, or outbreak. 	<ul style="list-style-type: none"> • Allowed when visitation is otherwise not permitted. • Facilities should offer rapid testing; testing should be encouraged, but may be waived.

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	<ul style="list-style-type: none"> • Close physical contact allowed if resident is fully vaccinated, while wearing a well-fitting face mask and performing hand-hygiene before and after. 	<ul style="list-style-type: none"> • These visits should not be routine, and are allowed on a limited basis as an exception to restricting visitation.
Close Physical Contact	Close physical contact allowed if resident is fully vaccinated, while wearing a well-fitting face mask and performing hand-hygiene before and after.	<ul style="list-style-type: none"> • Physical/social distancing required; markings and signage must be in place to cue distancing. • Staff must monitor visits.
PPE/Hand Hygiene	Require mask and hand hygiene.	Require mask and hand hygiene. Must make available PPE, hand sanitizer.
Visitor Screening	<ul style="list-style-type: none"> • All screened for signs, symptoms, exposures. • No entry for symptomatic or exposed in last 14 days. 	<ul style="list-style-type: none"> • All screened for signs and symptoms. • Maintain documentation including various demographic elements.
Resident Vaccination	<ul style="list-style-type: none"> • Fully vaccinated residents allowed visitors in counties with >10% positivity, if $\geq 70\%$ of residents in facility are vaccinated. • Fully vaccinated residents may have close contact (including touch) with visitor while wearing a well-fitting face mask and performing hand-hygiene before and after. 	<ul style="list-style-type: none"> • Visitation prohibited in counties with >10% positivity regardless of resident vaccination. • At least 6 feet separation required, regardless of vaccination. Staff must monitor for compliance.
Numeric Cap on Visitors	Facilities should consider how number of visitors per resident and total number of visitors in facility at one time may affect infection prevention protocols.	Number of visitors cannot exceed 20% of census at any time. Compassionate care visitors included within 20% limit.
Clergy	<ul style="list-style-type: none"> • Clergy must be permitted to enter, provided they are not subject to a work exclusion due to an exposure or symptomatic. • Clergy and laypersons also permitted to provide spiritual support as compassionate care. 	No special treatment of clergy.

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Communal Dining and Group Activities	<ul style="list-style-type: none"> • Communal activities and dining permitted. Residents may eat in the same room with social distancing (e.g., at least six feet between each person). • Facilities should consider additional limitations based on COVID infections in facility. • Group activities may be facilitated (for residents who have fully recovered from COVID and those who are not in isolation) with social distancing, hand hygiene, and masks (except while eating). 	<ul style="list-style-type: none"> • No communal dining under prior guidance. • Small group activities permitted when <i>not in outbreak</i> and when space allows for social distancing. No more than 10 residents and staff permitted to engage in activity at any one time

*Fully vaccinated, under the CMS guidance, 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](#).

** Fully vaccinated, under the NYS guidance, means having completed the COVID-19 vaccination series "no less than 14 days prior to the date of the visit *but also within 90 days of the last vaccination.*"

[†] NYS guidance requires facilities to have no new onset COVID cases in the last 14 days, in order to resume visitation. It defines "new onset" as a case that originated in the nursing home and references the CMS QSO-20-30-NH, which defines "new, nursing home onset" as:

COVID-19 cases that originated in the nursing home, and not cases where the nursing home admitted individuals from a hospital with a known COVID-19 positive status, or unknown COVID-19 status but became COVID-19 positive within 14 days after admission. In other words, if the number of COVID-19 cases increases because a facility is admitting residents from the hospital AND they are practicing effective Transmission-Based Precautions to prevent the transmission of COVID-19 to other residents, that facility may still advance through the phases of reopening. However, if a resident contracts COVID-19 within the nursing home without a prior hospitalization within the last 14 days, this facility should go back to the highest level of mitigation, and start the phases over.

** The CMS visitation guidance defines an outbreak as the occurrence of a new "nursing home onset of COVID-19" among residents or staff. "Nursing home onset" is defined in the visitation guidance by reference to the CDC testing guidelines for nursing homes which state that nursing home onset infections are those "that that originated in the nursing home. "Nursing home onset" does not refer to:

- Residents who were known to have COVID-19 on admission to the facility and were placed into appropriate Transmission-Based Precautions to prevent transmission to others in the facility.
- Residents who were placed into Transmission-Based Precautions on admission and developed SARS-CoV-2 infection within 14 days after admission.