



Department of Health

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Executive Deputy Commissioner

April 19, 2021

DAL: DAL #21-04
Subject: COVID-19 Vaccination Regulations

Dear Adult Care Facility Operator and Administrator:

The purpose of this letter is to communicate to adult care facility providers their obligation and responsibility to arrange for ongoing vaccination of residents and staff under new regulations promulgated by the Department of Health (Department), effective April 15, 2021. The new Subpart 66-4 is titled "COVID-19 Nursing Home and Adult Care Facility Vaccination," and is available on the Department's website at <https://regs.health.ny.gov/regulations/emergency>.

The operator and administrator of every adult care facility (ACF) regulated pursuant to 18 NYCRR Parts 487, 488 and 490 and 10 NYCRR Part 1001 must make diligent efforts to arrange for all new personnel, including employees and contract staff, and every new resident and resident readmitted to the ACF to receive the first or any required next dose of the COVID-19 vaccine **within seven days of hiring, admission or readmission**, as applicable. Likewise, the regulations require all ACFs to make diligent efforts to arrange for all consenting, unvaccinated existing personnel and residents to receive their first or any required next dose of the COVID-19 vaccine **within seven days of the effective date of the regulation** (i.e., by April 22, 2021).

The requirement to arrange for COVID-19 vaccination of new and existing personnel and residents includes, but is not limited to:

- **For New/Readmitted ACF Residents:**

- During the pre-admission screening process and in no event after the first day of admission, the ACF must screen the prospective or newly admitted resident for COVID-19 vaccine eligibility.
- Determine whether any first doses of the vaccine were previously administered and the location of such administration, if applicable, and whether the resident is interested in obtaining the COVID-19 vaccine.
- Document all such information with the resident's pre-admission screening information and, if admitted, retained in the resident's case management records.
- Within **seven days of admission or readmission**, the facility shall make and document its diligent efforts to schedule all consenting and eligible new or readmitted residents for the COVID-19 vaccination. Documentation in the resident's case management notes must include the methods used by the ACF to schedule the vaccine appointment and shall be made available upon the Department's request.

- **For New ACF Personnel:**

- As part of the pre-employment screening process, ACFs must solicit information from the prospective employee regarding their vaccination status, including:
 - Whether any first doses of the vaccine were previously administered and the location of such administration, if applicable.

- Whether the prospective employee is interested in obtaining the COVID-19 vaccine.
- Document such information with the individual's pre-employment screening information and if hired, retain such documentation in the employee's personnel file.
- Within **seven days of the hire date of new personnel**, the ACF shall make and document its diligent efforts to schedule all consenting and eligible new personnel for the COVID-19 vaccination.
- All attempts to schedule and methods used to schedule the vaccine appointment must be maintained in the individual's personnel file.
- Please be reminded that nothing in this communication or the related regulations shall be construed to require an ACF to make a hiring determination based upon an individual's COVID-19 vaccination history or interest in receiving COVID-19 vaccination.
- **For Existing ACF Residents and Personnel:**
 - Within **seven days of the effective date of the regulation**, the ACF must:
 - Make diligent efforts to arrange for all consenting, unvaccinated existing residents and personnel to register for a vaccine appointment, and
 - Document attempts to schedule and methods used to schedule the vaccine in the resident's case management notes and the personnel file, as applicable.

For all ACF personnel and residents who decline to be vaccinated for COVID-19, the ACF must obtain a written affirmation for signature, which indicates that the residents and personnel were offered and declined the opportunity for the facility to arrange for a COVID-19 vaccination. The affirmation must state that the signatory is aware that, if they later decide to be vaccinated for COVID-19, it is their (resident/personnel) responsibility to request the facility arrange for their vaccination. Lastly, the ACF must maintain signed affirmations on file at the facility and make such forms available at the request of the Department.

ACFs must certify to the Department, on a weekly basis, **beginning April 29, 2021**, that the ACF has proactively arranged for all new unvaccinated residents and personnel an opportunity to obtain the COVID-19 vaccine within seven days of being hired, admitted, or readmitted. The additional certification will be added to the weekly staff testing survey.

Finally, ACFs must immediately develop and implement necessary formal processes and procedures to ensure compliance with these requirements. If you have any questions, please write to COVIDVaccineLTC@health.ny.gov. Thank you for your attention to this matter.

Sincerely,



Heidi L. Hayes, Acting Director
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and Assisted Living Surveillance

cc: A. Herbst
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