



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

April 19, 2021

DAL # NH 21-08

Dear Nursing Home Operator and Administrator:

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

Under these new regulations, the operator and administrator of every nursing home regulated pursuant to 10 NYCRR Part 415 must ensure that all new personnel, including employees and contract staff, **and** every new resident and resident readmitted to the facility has an opportunity to receive the first or any required next dose of the COVID-19 vaccine **within fourteen days of having been hired by or admitted or readmitted to such facility**, as applicable. Likewise, the regulations require all nursing homes to offer all consenting, unvaccinated existing personnel and residents an opportunity to receive the first or any required next dose of the COVID-19 vaccine **within fourteen days of the effective date of the regulation** (i.e., by April 29, 2021).

The regulations require nursing homes to immediately implement measures including, but not limited to:

- Posting conspicuous signage throughout the facility, including at points of entry and exit and each residential hallway, reminding personnel and residents that the facility offers COVID-19 vaccination.
- Providing all personnel and residents who decline to be vaccinated a written affirmation for their signature, which indicates that they were offered the opportunity for a COVID-19 vaccination but declined. The affirmation must state that the signatory is aware that, if they later decide to be vaccinated for COVID-19, it is their responsibility to request vaccination from the facility.
- Maintaining signed affirmations on file at the facility and make such forms available at the request of the Department; and

- Certifying to the Department, on a weekly basis, beginning April 29, 2021, that the facility has proactively offered all new unvaccinated residents and personnel an opportunity to obtain the COVID-19 vaccine within fourteen days of being hired, admitted, or readmitted. The additional certification will be added to the weekly staff testing survey.

Please carefully review the newly adopted regulations and ensure compliance with the new requirements. Questions regarding this correspondence should be sent to COVIDVaccineLTC@health.ny.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sheila McGarvey". The signature is written in black ink on a white background.

Sheila McGarvey, Director,
Division of Nursing Homes and
ICF/IID Surveillance