

**Rutland Nursing Home
Administrative/Resident Care Policies & Procedures**

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COVID-19 Facility Visitation

Purpose

The information contained in this policy 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 policy should be construed as limiting or eliminating Rutland Nursing Home’s responsibility to ensure that resident and family communication is ongoing and supported by virtual visits, whenever possible. Visitation is now allowed for all residents at all times as outlined below.

Rutland Nursing Home is committed to ensuring all eligible and consenting residents and staff have the opportunity to be vaccinated and are obligated to do so under State regulations promulgated at 10 NYCRR Subpart 66-4, as well as federal regulations at 42 CFR 483.80(d)(3).

GENERAL VISITATION GUIDANCE

A. Core Principles of Infection Control

Visitation can be conducted through different means based on a facility’s structure and residents’ needs, such as in resident rooms, dedicated visitation spaces, and outdoors. Regardless of how visits are conducted, certain core principles and best practices reduce the risk of COVID-19 transmission. Rutland Nursing Home will adhere to the following Core Principles of COVID-19 Infection Prevention:

- Visitors who have a positive viral test for COVID-19, symptoms of COVID-19, or currently meet the criteria for quarantine, should not enter the facility. Rutland Nursing Home will screen all who enter for these visitation exclusions.
- Hand hygiene (use of alcohol-based hand rub is preferred);
- Wear a well-fitting non-surgical paper mask or a mask of higher quality (i.e., surgical mask, KN95 or N95) at all times during any visitation at the facility. If the visitor wishes, a cloth mask may be placed over the paper mask. The masks must cover both the nose and the mouth;
- Physically distance, of at least six feet, from facility personnel and other patients/residents/visitors that are not directly associated with the specific resident(s) being visited by that individual;

Approved by:
{Signature}

Neil Pollack Administrator

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- 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. Also, Rutland Nursing Home will 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.

B. Testing for Visitors

Rutland Nursing Home will verify that visitors have received a negative SARS-CoV-2 test result one day prior to visitation for antigen tests and two days prior to visitation for NAAT (e.g. PCR) tests. All visitors may use either NAAT testing or antigen testing.

For Example:

A test for a Sunday visit should be conducted no earlier than Saturday if it’s an antigen test or Friday if it’s a PCR test.

Any PCR or antigen test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

For visitors who visit for multiple days, including a visitor who comes every day, proof of negative testing is required as often as feasible, at a minimum every third day (meaning at a

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minimum testing is required on day one, day 4, day 7, and so on).

Rutland Nursing Home is being provided with iHealth OTC COVID-19 Antigen Rapid Tests, by New York State. The facility will provide a visitor with this iHealth OTC COVID-19 Antigen Rapid Test if he/she does not have other valid proof of a negative test conducted in the required timeframe, and the visitor should test him/herself at Rutland. The results of self-testing for visitors will not need to be reported either to ECLRS or to HERDS.

C. Outdoor Visitation

While taking a person-centered approach and adhering to the core principles of COVID-19 infection prevention, outdoor visitation is preferred when the resident and/or visitor are not fully vaccinated against COVID-19. Outdoor visits generally pose a lower risk of transmission due to increased space and airflow. 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. However, weather considerations (e.g., inclement weather, excessively hot or cold temperatures, poor air quality) or an individual resident's health status (e.g., medical condition(s), COVID-19 status, quarantine status) may hinder outdoor visits. When conducting outdoor visitation, all appropriate infection control and prevention practices will be followed.

**Note: Fully vaccinated refers to the CDC definition. The current definition can be found on CDC's website: "[Interim Public Health Recommendations for Fully Vaccinated People.](#)"*

D. Indoor Visitation

Rutland Nursing Home will allow indoor visitation at all times and for all residents as permitted under the regulations. While previously acceptable during the PHE, facilities can no longer limit the frequency and length of visits for residents, the number of visitors, or require advance scheduling of visits.

Although there is no limit on the number of visitors that a resident can have at one time, visits should be conducted in a manner that adheres to the core principles of COVID-19 infection prevention and does not increase risk to other residents. Rutland Nursing Home will ensure that physical distancing can still be maintained during peak times of visitation (e.g., lunch time, after business hours, etc.). Also, Rutland Nursing Home will avoid large gatherings (e.g., parties, events) where large numbers of visitors are in the same space at the same time and physical distancing cannot be maintained. During indoor visitation, Rutland Nursing Home will limit visitor movement in the facility. For example, visitors should not walk around different

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halls of the facility. Rather, they should go directly to the resident's room or designated visitation area.

If a resident's roommate is unvaccinated or immunocompromised (regardless of vaccination status), visits should not be conducted in the resident's room, if possible. For situations where there is a roommate and the health status of the resident prevents leaving the room, Rutland Nursing Home will attempt to enable in-room visitation while adhering to the core principles of infection prevention.

If the resident is fully vaccinated, they can choose to have close contact (including touch) with their visitor in accordance with CDC recommendations. Unvaccinated residents may also choose to have physical touch based on their preferences and needs, such as with support persons for individuals with disabilities and visitors participating in certain religious practices, including end-of-life situations. In these situations, unvaccinated residents (or their representative) and their visitors should be advised of the risks of physical contact prior to the visit.

While not recommended, residents who are on transmission-based precautions (TBP) or quarantine can still receive visitors. In these cases, visits should occur in the resident's room and the resident should wear a well-fitting facemask (if tolerated). Before visiting residents, who are on TBP or quarantine, visitors should be made aware of the potential risk of visiting and precautions necessary in order to visit the resident. Visitors should adhere to the core principles of infection prevention. Rutland Nursing Home may offer well-fitting facemasks or other appropriate PPE, if available; however, we are not required to provide PPE for visitors.

E. Indoor Visitation During an Outbreak Investigation

An outbreak investigation is initiated when a new nursing home onset of COVID-19 occurs (i.e., a new COVID-19 case among residents or staff). To swiftly detect cases, Rutland Nursing Home will adhere to CMS regulations and guidance for COVID-19 testing including routine unvaccinated staff testing, testing of individuals with symptoms, and outbreak testing. Rutland Nursing Home will 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, Rutland will immediately begin outbreak testing in accordance with CMS OSO 20-38-NH REVISED and CDC guidelines.

While it is safer for visitors not to enter the facility during an outbreak investigation, visitors

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must still be allowed in the facility. Visitors should be made aware of the potential risk of visiting during an outbreak investigation and adhere to the core principles of infection prevention. If residents or their representative would like to have a visit during an outbreak investigation, they must wear face coverings or masks during visits, regardless of vaccination status, and visits should ideally occur in the resident's room.

F. Visitor Vaccination

CMS strongly encourages all visitors to become vaccinated and facilities should educate and also encourage visitors to become vaccinated. **Visitors are not required to be vaccinated (or show proof of such) as a condition of visitation.**

G. Compassionate Care Visits

Compassionate care visits are allowed at all times and are exempt from the testing requirements. Compassionate caregiving visitors, within the meaning of Public Health Law 2801-h, who are visiting in anticipation of the end of a resident's life or in the instance of a significant mental, physical, or social decline or crisis of a resident. In any cases where such an exception is made, the visitor must wear any additional personal protective equipment (PPE) that facility personnel deem appropriate to the situation.

H. REQUIRED VISITATION

Rutland Nursing Home will not restrict visitation without a reasonable clinical or safety cause, consistent with 42 CFR 483.10(f)(4)(v). Failure to facilitate visitation, per 42 CFR 483.10(f)(4) , which states "The resident has a right to receive visitors of his or her choosing at the time of his or her choosing, subject to the resident's right to deny visitation when applicable, and in a manner that does not impose on the rights of another resident," would constitute a potential violation and the facility would be subject to citation and enforcement actions.

I. Access to the Long-Term Care Ombudsman

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. Visits by the ombudsman are exempt from the testing requirement. If an ombudsman is planning to visit a resident who is in TBP or quarantine, or an unvaccinated resident in a nursing home in a county where the level of community transmission is substantial or high in the past 7 days, the resident and ombudsman should be made aware of the potential risk of visiting, and the visit should take place in the resident's room. CMS requires representatives of the Office of the Ombudsman to adhere to the core principles of COVID-19 infection prevention as described above. If the resident or the

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Ombudsman program requests alternative communication in lieu of an in-person visit, facilities must, at a minimum facilitate alternative resident communication with the Ombudsman program, such as by phone or through use of other technology. Rutland is 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.

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

42 CFR 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 USC § 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.

If the P&A is planning to visit a resident who is in TBP or quarantine, or an unvaccinated resident in a county where the level of community transmission is substantial or high in the past 7 days, the resident and P&A representative should be made aware of the potential risk of visiting and the visit should take place in the resident's room.

Additionally, Rutland must comply with federal disability rights laws, such as Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (Section 504) and the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. (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 Rutland 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

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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 (Toll-free: 800-368-1019) (TDD toll-free: 800-537-7697), the Administration for Community Living (202-401-4634), or other appropriate oversight agencies.

K. Entry of Healthcare Workers and Other Providers of Services

All healthcare workers must be permitted to come into Rutland Nursing Home as long as they are not subject to a work exclusion or showing signs or symptoms of COVID-19. In addition to healthcare workers, personnel educating and assisting in resident transitions to the community should be permitted entry consistent with this guidance.

EMS personnel do not need to be screened nor subject to testing requirements, so they can attend to an emergency without delay. 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.

L. Survey Considerations

Rutland Nursing Home is not permitted to restrict access to surveyors based on vaccination status, nor ask a surveyor for proof of his or her vaccination status as a condition of entry. Surveyors should not enter a facility if they have a positive viral test for COVID-19, signs or symptoms of COVID-19 or currently meet the criteria for quarantine. Surveyors should also adhere to the core principles of COVID-19 infection prevention and adhere to any COVID-19 infection prevention requirements set by federal and State agencies (including Executive Orders).

M. Communal Activities, Dining and Resident Outings

While adhering to the core principles of COVID-19 infection prevention, communal activities and dining may occur. Book clubs, crafts, movies, exercise, and bingo are all activities that can be facilitated with alterations to adhere to the guidelines for preventing transmission. The safest approach is for everyone, regardless of vaccination status, to wear a face covering or mask while in communal areas of the facility.

Rutland Nursing Home must permit residents to leave the facility as they choose. Should a resident choose to leave, the facility should remind the resident and any individual

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accompanying the resident to follow all recommended infection prevention practices including wearing a face covering or mask, physical distancing, and hand hygiene and to encourage those around them to do the same.

Upon the resident's return, Rutland Nursing Home will take the following actions:

- Screen resident's upon return for signs or symptoms of COVID-19.
 - If the resident or family member reports possible close contact to an individual with COVID-19 while outside of the nursing home, test the resident for COVID-19, regardless of vaccination status. Place the resident on quarantine if the resident has not been fully vaccinated.
 - If the resident develops signs or symptoms of COVID-19 after the outing, test the resident for COVID-19 and place the resident on Transmission-Based Precautions, regardless of vaccination status.
- Rutland Nursing Home may also opt to test unvaccinated residents without signs or symptoms if they leave the nursing home frequently or for a prolonged length of time, such as over 24 hours.
- Rutland Nursing Home might consider quarantining unvaccinated residents who leave the facility if, based on an assessment of risk, uncertainty exists about their adherence or the adherence of those around them to recommended infection prevention measures.
- Monitor residents for signs and symptoms of COVID-19 daily.

Residents who leave Rutland Nursing Home for 24 hours or longer should generally be managed as a new admission or readmission, as recommended by the CDC's "Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes."