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# CLIENT ALERT: NYS DOH Announces Resumption of Limited Visitation to Nursing Homes

## FEATURED ATTORNEY

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*By Patrick Formato*

Nursing Homes in Phase 3 regions may resume limited visitation and activities beginning July 15, 2020 under the following conditions:

- The region in which the NH is located is in Phase 3.
- The NH is in full compliance with all state and federal requirements, state Executive Orders and guidance, state reporting requirements including COVID-19 focus surveys, HERDS and staff testing surveys, and federally required submission of COVID-19 data to the National Healthcare Safety Network (NHSN).
- The NH has protocols to separate residents into cohorts of positive, negative, and unknown as well as separate staffing teams to deal with COVID-positive residents and nonpositive residents. In order to effectuate this policy, nursing home facilities should transfer residents within a facility, to another long-term care facility, or to another noncertified location if they are unable to successfully separate out patients in individual facilities.
- The NH has completed the NY Forward Safety Plan and submitted a copy of the completed plan to [covidnursinghomeinfo@health.ny.gov](mailto:covidnursinghomeinfo@health.ny.gov).
- The NH has no staffing shortages as evidenced by the NH's individual staffing plan and as reported by the NH through submissions to the National Health Safety Network (NHSN).
- Access to adequate testing.
- An executed and operationalized arrangement with laboratories to process SARS-CoV-2 virus tests.
- Nursing Homes accepting visitors will be required to send their visitation plan to NYSDOH and affirmatively attest that they are following the DOH guidance.

When a Nursing Home meets all of the above criteria, the nursing home may resume visitation. Visitation should be limited to outdoor areas, weather permitting.

Under certain limited circumstances, as defined by the facility, visitation can be inside, in a well-ventilated space with no more than 10 individuals who are appropriately socially distanced and wearing a facemask or face covering while in the presence of others. This may include residents visiting each other.

If the facility falls out of compliance with requirements listed in this advisory, the NH should immediately halt visitation and inform the Department.

The DOH advisory can be found [here](#).

Should you have questions, feel free to contact [Patrick Formato, Esq.](#), [Barbara Stegun Phair, Esq.](#), Frank A. Mazzagatti, Esq., or any other attorney in our health law practice group.