

Executive Order 202.30 - Nursing Home and Adult Care Facility Staff Testing Requirement

FAQ #1 – May 12, 2020

1. If a staff member has a positive test, should the individual be re-tested at the end of the furlough before returning to work?

The diagnostic test is a polymerase chain reaction (PCR) test that detects viral nucleic acid. Even after there is no remaining live virus present capable of causing an infection, there still might be remnant viral nucleic acid present that can be detected by PCR and cause a positive result. The Centers for Disease Control and Prevention (CDC) has described studies using viral culture which found live virus capable of causing infection for only 9 days after the onset of symptoms.

Facilities may, but are not required to, have staff test negative before returning to work. CDC points out that more stringent requirements than those for the general community might be appropriate for some individuals, such as those who live or work in settings with vulnerable persons. New York State has adopted more stringent requirements that nursing home personnel must be furloughed until 14 days from the onset of illness (and at least 3 days have passed since resolution of fever without use of fever-reducing medication and respiratory symptoms are improving) for symptomatic staff and for 14 days from the first positive test for asymptomatic staff.

2. How frequently will personnel have to be tested?

Executive Order No. 202.30 requires twice per week testing of all personnel of all nursing homes and adult care facilities, including all adult homes, enriched housing programs and assisted living residences.

3. Will personnel have to be excluded from work while waiting for test results?

If personnel are asymptomatic and being tested solely for the purpose of meeting the requirements of Executive Order No. 202.30, then they do not have to be excluded from work while waiting for test results.

4. Who is included in the testing requirement for personnel?

The requirement includes but is not limited to employees, contract staff, per diem staff, medical staff, operators, administrators, and volunteers. Staff who are working from home, on leave, or otherwise not at the same site as residents do not need to be tested as long as they remain offsite. Staff who work at a facility on three days per week or less only need to be tested one time per week. Staff of home health (LHCSA, CHHA) and hospice agencies which serve patients residing in the facility are not personnel who must be tested pursuant to EO 202.30.

5. Are staff who have had a positive diagnostic test for COVID-19 or a positive serologic test for IgG against SARS-CoV-2 in the past included in the requirement to be tested twice per week?

At this time, staff who have documentation of a positive diagnostic test for COVID-19 or a positive serologic test for IgG against SARS-CoV-2 are currently exempt from this testing requirement. This exemption might change as more is learned about immunity following COVID-19.

6. Who is responsible for paying for the testing required of personnel of nursing homes and adult care facilities?

Facilities are responsible for providing testing for their employees, including assuming responsibility for the costs of testing. One option that some facilities may be able to access includes the drive-through and walk-in sites that are operated by New York State at no charge to the individual. Testing is by appointment only. Individuals who would like to be tested can either register online at: <https://covid19screening.health.ny.gov/> or by calling the COVID-19 hotline at 888-364-3065. The locations of these sites are attached as Attachment 1.

7. What laboratory should nursing homes and adult care facilities use to perform testing to meet the new requirement?

Facilities are responsible for establishing relationships with laboratories, including local hospitals or commercial laboratories, to perform the required testing for their employees. Wadsworth Center is currently performing testing for other priority specimens, including those collected from nursing home residents.

8. How should testing be conducted for personnel who work at multiple facilities?

Personnel who work at multiple facilities only need to be tested twice per week. Those results may be used to meet the testing requirements at any facility, as long as documentation of the test result is provided to each facility. Each employer facility must maintain appropriate documentation of the test results.

9. How do facilities obtain collection kits and personal protective equipment for required testing?

If facilities are unable to obtain supplies needed for the testing requirement through normal distributors, they should request these supplies through their local Office of Emergency Management.

10. Can nurses in adult care facilities be used to collect specimens for testing?

Executive Order 202 made changes to the scope of practice laws concerning the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing. Accordingly, during the course of this emergency, nurses employed by an adult care facility (ACF) are permitted to collect swab specimens for ACF staff and residents. Additionally, other clinical staff who have received appropriate training regarding specimen collection may collect such specimens. More information relating to specimen collection is available on the Department of Health's website at <https://coronavirus.health.ny.gov/covid-19-testing>.

Attachment 1

Drive-through and community Center testing sites.

Albany/ DT /Albany/SUNY, 1400 Washington Avenue Albany, NY 12222
Bronx/ CC /Morris Heights/Morris Heights Health Center, 1227 Edward L. Grant Highway Bronx, NY 10452
Bronx/ CC /Mott Haven/Tres Puentes Community Health Center, 271 E. 138th Street Bronx, NY 10454
Bronx/ DT /Bedford Park/Lehman College, 2925 Goulden Avenue Bronx, NY 10468
Bronx/ DT /Co-Op City/The Mall at Bay Plaza, 200 Baychester Avenue Bronx, NY 10475
Broome/ DT /Binghamton/Binghamton University Event Center Parking Lot, 4400 Vestal Pkwy. E. Vestal, NY 13850
Erie/ DT /Buffalo/Buffalo Sabres Lot, 125 Perry Street Buffalo, NY 14204
Kings/ CC /Brownsville/Brownsville Family Care, 592 Rockaway Avenue Brooklyn, NY 11212
Kings/ CC /Flatbush/Brookdale Family Care, 1095 Flatbush Avenue Brooklyn, NY 11226
Kings/ CC /Sunset Park/Lutheran Augustana Center, 5434 2nd Avenue Brooklyn, NY 11220
Kings/ CC /Brooklyn/Bedford Stuyvesant Family Health Center, 325 Herkimer Street Brooklyn, NY 11216
Kings/ DT /Flatbush/Commercial Building, 2360 Bedford Avenue Brooklyn, NY 11226
Monroe/ DT /Rochester/Monroe County Community College, 1000 E. Henrietta Road, Rochester, NY 14623
Nassau/ DT /Jones Beach/Jones Beach State Park Roosevelt Nature Center, 1 Ocean Parkway Wantagh, NY 11793
New York/ CC /Harlem/Institute Family Health, 1824 Madison Avenue New York, NY 10035
New York/ CC /Harlem/Ryan Health/Frederick Douglass, 2381 Frederick Douglass Blvd., New York, NY 10027
New York/ CC /Washington Heights/Amsterdam Medical Practice, 2360 Amsterdam Avenue, New York, NY 10033
Niagara/ DT /Sanborn/Niagara County Community College, 3111 Saunders Settlement Rd, Sanborn, NY 14132
Oneida/ DT /Utica-Rome/Griffiss International Airport, 592 Hanger Road, Rome, NY 13441
Queens/ CC /Corona/Plaza del Sol Family Health Center, 37-16 108th Street Corona, NY 11368
Queens/ CC /Jamaica/First Presbyterian, 89-60 164th Street Jamaica, NY 11432
Queens/ CC /Jamaica/Joseph P. Addabbo Health Center, 118-11 Guy R Brewer Blvd. Jamaica, NY 11434
Queens/ DT /Ozone Park/Aqueduct Racetrack, 110-00 Rockaway Blvd Queens, NY 11420

Richmond/ DT /Staten Island/South Beach Psychiatric, 777 Seaview Ave Staten Island NY, 10305
Rockland/ CC /Haverstraw/Hudson River Healthcare, 31 W. Broad Street Haverstraw, NY 10927
Rockland/ DT /Bear Mountain/Anthony Wayne Rec Area, Exit 17 Palisades Pkwy, Bear Mountain, NY 10911
Suffolk/ DT /Stony Brook/Stony Brook University, 100 Nicolls Rd. South P Lot, Stony Brook, NY 11794
Westchester/ CC /Mt. Vernon/Mt. Vernon Health, 107 W. 4th Street Mount Vernon, NY 10550
Westchester/ CC /New Rochelle/New Rochelle Hospital, 16 Guion Place New Rochelle, NY 10801
Westchester/ CC /Yonkers/Hudson River Healthcare, 2 Park Avenue Yonkers, NY 10703
Westchester/ DT /New Rochelle/Glen Island Park, 250 Weyman Avenue, New Rochelle, NY 10805