



GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION

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Memo 20-15

To: Administrator, DNS, Medical Director, Infection Preventionist and QA Committee

From: Mary Gracey-White RN, Director of Regulatory Compliance

Date: May 12, 2020

Re: NYSDOH DAL – Required COVID-19 Testing for all Nursing Home and Adult Care Facility Personnel

As you are aware the NYSDOH issued a DAL explaining the Executive Order 202.30 requiring Covid 19 testing of all personnel in nursing homes two times weekly. Employees that have had a previous positive Covid 19 test and employees that have positive serology test for antibodies are exempt from the twice weekly testing as per NYSDOH. We are attaching a sample Policy/Procedure, tracking tool, sample employee informational letter and laboratory information to facilitate this process. We will provide any updates as received.

NYSDOH has indicated that the NYS HERDS submission of testing information meets the requirement for submitting a testing plan. The completion of this HERDS Covid 19 Testing questions are to be submitted by tomorrow, Wednesday, May 13, 2020 at 5:00 pm. In addition, by Friday May 15th the facility operator and the Administrator must each provide a certificate of compliance with all Executive Orders. The certification form is attached to the DAL.

The Association continues to advocate for members and provide the most up to date information during this evolving pandemic.

EO 202.30

1. Mandated COVID Testing for All NH Personnel
 - a. Facility's plan to implement must be filed with DOH by May 13, 2020 at 5:00 pm
 - b. Testing of *all personnel*
 - i. Includes all employees, contract staff, medical staff, operators, administrators
 - c. Testing to be conducted two times/week

- i. Positive tests must be reported to DOH by 5:00 pm the day after facility becomes aware of COVID + test result
 - d. State DOH and local health department has unrestricted to the facility for purposes of testing and facility must cooperate
 - e. Any personnel refusing to be tested will be considered to have outdated/incomplete health assessments
 - i. Personnel prohibited from providing services until testing is performed
- 2. Penalties for non-compliance
 - a. Operations
 - i. DOH may suspend or revoke operating certificate if facility does not comply with Executive Order or any regulations or directives
 - ii. Receiver may be appointed upon 24 hours' notice to operator, if DOH finds facility is out of compliance
 - b. Monetary penalties
 - i. Subject to penalty of \$2,000 per violation/day
 - ii. Subsequent violation punishable as if a violation of 12-b of Public Health Law, with penalty of \$10,000 per day
 - c. False statement in the attestation
 - i. Punishable under the provisions of Penal Code 210