

UPDATED GUIDELINES AFFECTING LONG-TERM CARE FACILITIES

State of Federal authorities have issued some new guidelines on visitation in long-term care facilities. While many of these new rules relax restrictions on visitors, questions remain regarding areas of inconsistency between the two sets of rules. The Center for Medicare and Medicaid Services (CMS) issued new guidelines intended to relieve some of the harm experienced by long-term care patients as a result of COVID-19 related restrictions on visitation. The new federal guidance urges facilities to allow responsible indoor visitation at all times and for all patients regardless of vaccination status of the patient, or visitor, with certain exceptions for:

Unvaccinated patients if: the COVID-19 county positivity rate is greater than 10 percent and less than 70 percent of patients in the facility are fully vaccinated.

Patients with confirmed COVID-19 infection, whether vaccinated or unvaccinated until they have met the criteria to discontinue transmission-based precautions.

Patients in quarantine, whether vaccinated or unvaccinated, until they have met criteria for release from quarantine.

The California Department of Public Health (DPH) has issued a new All Facilities Letter, AFL 20-22.6, which substantially relaxes state rules on visitation for at least some residents, although in some respects less so that the federal guidelines and adds guidance for limited physical contact.

The California guidelines include requirements that facilities shall permit indoor in-room visitation for:

Fully vaccinated residents no sooner than two weeks following receipt of the second dose of a two-dose series, or two weeks following the receipt of one-dose of a single-dose vaccine in “green” (unexposed or recovered) or “yellow” (exposed or observation status) areas, regardless of the country risk tier; and,

Unvaccinated or partially vaccinated patients in “green” (unexposed or recovered) or “yellow” (exposed or observation status) areas for facilities in Tier 2 (Red), Tier 3 (Orange) or Tier 4 (Yellow) counties.

For indoor visitation to take place, the following conditions must be met:

Visitors in Tier 1 (Purple) counties for fully vaccinated patients must test negative on a POC antigen or PCR test on a sample taken within the prior two days, regardless of the visitor’s vaccination status.

All visitors and patients must still wear facial covering and maintain 6-foot physical distancing.

Visits for patients who share a room should be conducted in a separate indoor space or with the roommate not present in the room, if possible, regardless of the roommate’s vaccination status.

Full PPE must be worn for yellow zone visitation.

For more information, go to CA Department of Public Health, Licensing & Certification web site and click on All Facility Letters and retrieve No. AFL 20-22.6.