



## Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

April 29, 2020

Dear Nursing Home Administrator:

This letter is intended to serve as a reminder of your facility(ies)' obligations under Public Health Law and regulations to ensure that all residents receive the care they need. Specifically, pursuant to 10 NYCRR section 415.26, nursing homes must only accept and retain those residents for whom the facility can provide adequate care.

A copy of the applicable regulation is available on the Department of Health's website at: <https://regs.health.ny.gov/content/section-41526-organization-and-administration>.

As care pertains specifically to COVID-19, state and federal rules and regulations require nursing homes must adhere to appropriate safety measures including, but not limited to:

- Restricting visitation at all nursing homes and adult care facilities, except for imminent end-of-life situations.
- Requiring personal protective equipment (PPE) for staff at all nursing homes and adult care facilities, including surgical-grade facemasks, gloves, gowns, and eye protection (e.g., goggles or face shield) when interacting with COVID-19 suspected or confirmed residents. Staff must wear at least a facemask during interactions with all residents.
- Requiring all staff to be checked for COVID-19 symptoms (e.g., fever, cough, difficulty breathing, or other respiratory symptoms), including temperature checks upon the start of each shift and every 12 hours while on duty.
- Requiring facilities to notify all residents and their family members within 24 hours if any resident tests positive for COVID-19 or any resident suffers a COVID-19 related death.
- Having protocols to separate residents into cohorts of positive, negative, and unknown as well as separate staffing teams to deal with COVID-positive residents and non-positive 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 non-certified location if they are unable to successfully separate out patients in individual facilities.

If your facility is unable to meet cohorting standards or any infection control standards, admission must be suspended to the facility. Failure to adhere to these standards will result in civil monetary penalties and/or revocation of your license.

If you cannot find someplace to place residents, please contact 518-474-2012 for assistance from the Department of Health who will help place residents for you.

Sincerely,

*Howard Zucker M.D.*

Howard A. Zucker, M.D., J.D.  
Commissioner of Health