



Oklahoma State Department of Health
Creating a State of Health

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To: Medicare and Medicaid Certified Nursing Facilities

From: James Joslin, MPA
Assistant Deputy Commissioner
Regulation, Prevention and Preparedness

Subject: Nursing Facility Visitation and COVID-19

On March 9, 2020, the Centers for Medicare and Medicaid Services (CMS) updated memo # QSO-20-14-NH, *Revised Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in nursing homes (REVISED)*, to address screening, limiting, and restricting visitors. The update also addresses the use of masks and allowable respirators. . **In light of the current outbreak of COVID-19, a facility limiting visiting hours in order to have adequate staff to screen visitors, is a reasonable restriction to aide in the prevention of a community associated infection for the safety of its residents. Facilities must have adequate staff to screen visitors and to ensure sufficient personal protective equipment for staff and visitors, if necessary. These are reasonable restrictions to aide in the prevention of a community associated infection.**¹ The CDC recommends aggressive visitor restrictions and enforcing sick leave policies for ill health care professionals, even before COVID-19 is identified in a community or facility. This memo highlights the CMS guidance for screening, restricting, and limiting visitors. This is an emerging, rapidly evolving situation. The OSDH will re-evaluate this guidance within 14 days or as necessary. From the CMS memo, the OSDH emphasizes the following:

Restricting Visitation: The CMS Guidance for nursing homes dated March 9, 2020, makes clear nursing homes should screen and restrict visitation by those who meet any one of the four criteria listed on page two of the guidance. Those criteria include when the visitor resides in a community where community-based spread of COVID-19 is occurring. *Community spread means some people have been infected and it is not known how or where they became exposed* [See CDC [Coronavirus Disease 2019 \(COVID-19\) Situation Summary](#)].

Limiting Visitation: If a facility is in a county, or counties adjacent to other counties where a COVID-19 case has occurred, the facility can limit visitation. Limiting visitation means a visitor would only be allowed in certain situations, such as end-of-life or when a visitor is essential for the resident's emotional well-being and care. **Currently, limiting visitations would be recommended for facilities in affected and adjacent counties.**

Discouraging Visitation: Facilities should discourage visitation, such as by recommending visitors defer their visit for another time. The guidance provides numerous examples to discourage visitation.

Where visitation is limited, facilities should make plans to provide alternative communication methods for residents and their families, with consideration to available staffing resources. The DHS Ombudsman's Office has halted visitations by Ombudsman volunteers. However, Ombudsman staff will continue to investigate allegations of abuse, neglect or exploitation. Ensure residents have access to the Ombudsman via telephone.

¹ Several facilities have requested guidance from OSDH regarding limiting visitation based upon the revised CMS memo. The information contained in this memo regarding restricting and limiting visitation is based on CMS guidance. OSDH does not provide legal counsel to outside entities, and this memo should not be relied upon as such. A facility should seek its own legal counsel for interpretation.

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Memo Re: Nursing Facility Visitation and COVID-19

[Title 42 of the CFR at section 483.10\(f\)\(4\)](#) provides that a resident has the right to receive visitors at the time of his/her choosing, However, 42 CFR §483.10(f)(4)(iii) provides that the access is "subject to reasonable clinical and safety restrictions..." The CMS State Operations Manual defines "reasonable clinical and safety restrictions" as follows:

*"Reasonable clinical and safety restrictions" include a facility's policies, procedures or practices that protect the health and security of all residents and staff. These may include, but are not be limited to: • Restrictions placed to prevent **community-associated infection** or communicable disease transmission to the resident....*

If a facility is going to limit the visiting hours for a limited period of time for the reason stated above, it must implement written policies and procedures per the following:

The facility must have written policies and procedures regarding the visitation rights of residents, including those setting forth any clinically necessary or reasonable restriction or limitation or safety restriction or limitation, when such limitations may apply consistent with the requirements of this subpart, that the facility may need to place on such rights and the reasons for the clinical or safety restriction or limitation. [\[42 CFR §483.10\(f\)\(4\)\(v\)\]](#)

The facility must also meet the following requirement:

Inform each resident (or [resident representative](#), where appropriate) of his or her visitation rights and related facility policy and procedures, including any clinical or safety restriction or limitation on such rights.... [\[42 CFR §483.10\(f\)\(4\)\(vi\)\(A\)\]](#)

Please review CMS memo # QSO-20-14-NH, *Revised Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in nursing homes* (REVISED) (<https://www.cms.gov/files/document/gso-20-14-nh-revised.pdf>) and the CDC's Interim Additional Guidance for Infection Prevention and Control for Patients with Suspected or Confirmed COVID-19 in Nursing Homes (<https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/prevent-spread-in-long-term-care-facilities.html>), **which also addresses staff screening and tiered actions facilities can take depending on whether COVID-19 has been identified in their community or facility and things facilities should do now**, before there are cases in their community or facility. The expanded guidance in the CMS memo addressing screening, limiting, discouraging and restricting visitors includes:

1. The criteria for restricting visitors;
2. Methods applicable to limiting or discouraging visitation;
3. Signage at entrances; screening methods; and instructions for visitors entering the facility;
4. Guidance for visitor movement;
5. Guidance for interaction with volunteers, vendors, agency staff, EMS personnel and transportation providers;
6. Alternatives to visitation through technology;
7. Guidance when visitation is necessary; and
8. Guidance for visitors reporting potential exposure.

If you have questions, contact the long-term care intake line at 405.271.9444 x 56111, or 1-800-747-8419, or email LTC@health.ok.gov.

Notes: **EPA Registered Disinfectant:** See EPA's List N at https://www.epa.gov/sites/production/files/2020-03/documents/sars-cov-2-list_03-03-2020.pdf

Facemasks and Respirators: See CMS Memo [QSO-20-17-ALL, "Guidance for use of Certain Industrial Respirators by Health Care Personnel"](#) which expands the types of facemasks healthcare workers may use in situations involving COVID-19 and other respiratory infections

