



## Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

**MEGAN E. BALDWIN**  
Acting Executive Deputy Commissioner

May 1, 2023

DAL NH 23-03  
Re: Update to Emergency Preparedness  
Plans

Dear Nursing Home Administrator:

Recently enacted amendments to Public Health Law Section 2803(12) require that residential health care facilities include as part of their mandated pandemic emergency plans measures to update residents, authorized family members, and resident representatives of the presence of an infection and to have in their pandemic emergency plan a plan or procedure for placement or grouping of residents within a facility to reduce transmission of the pandemic disease, consistent with guidance issued by the Centers for Medicare and Medicaid Services (CMS) or the Centers for Disease Control and Prevention (CDC).

Accordingly, in addition to pandemic emergency plan requirements found at [DAL NH 20-09 Required Annual Pandemic Emergency Plan for All Nursing Homes](#), nursing homes must:

- Update authorized family members and resident representatives of infected residents at least daily;
- Upon a change in a resident's condition and at least once weekly, update all residents and authorized family members and resident representatives on the number of infections and deaths at the facility;
- Through electronic or such other means selected by each resident, authorized family member or resident representative, update all residents, authorized family members, and resident representatives at the facility not later than 5:00 p.m. the next calendar day following the detection of a confirmed infection of a resident or staff member, or as such earlier time as guidance from the CMS or the CDC may provide; and
- Develop a plan or procedure for placement or grouping of residents within a facility to reduce transmission of the pandemic disease during an infectious disease outbreak in the residential health care facility, consistent with guidance issued by CMS or CDC.

Please understand that while nursing homes must have a pandemic plan that complies with the requirements of the law, they will only need to deploy the pandemic plan during a pandemic declared by the State and/or Federal Government. The Department anticipates that the federal Public Health Emergency (PHE) for COVID-19 will expire at the end of the day on May 11, 2023. While the spread of SARS-CoV-2, the virus that causes COVID-19, remains a public health priority, nursing homes will no longer have to deploy their pandemic emergency plans after this date. They will, however, still have to respond to COVID-19 cases as required by State and

federal requirements in a similar manner that they have always had to respond to outbreaks of infectious disease in their facilities.

If you have questions, please email the Department at [nhinfo@health.ny.gov](mailto:nhinfo@health.ny.gov)

Sincerely,

Heidi L. Hayes, Director  
Center for Long Term Care Survey & Operations  
Office of Aging and Long-Term Care