



## Department of Health

**ANDREW M. CUOMO**  
Governor

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

**LISA J. PINO, M.A., J.D.**  
Executive Deputy Commissioner

February 24, 2021

Re: DAL NH 21-05 Civil Monetary Penalty  
Reinvestment Funds: Purchase Tents/  
Plexiglass to Assist with in Person  
Visitation

Dear Nursing Home Administrator:

On March 13, 2020, the Centers for Medicare & Medicaid Services (CMS) and the New York State Department of Health (Department) issued guidance requiring skilled nursing facilities to restrict visitor access. On February 23, 2021, The Department issued revised Skilled Nursing Facility Visitation Guidelines. Found here:

<https://coronavirus.health.ny.gov/system/files/documents/2021/02/nursing-home-visitation-guidance-2-23-21.pdf> Recognizing that visitor restrictions may be difficult for residents and families, CMS developed an application template for nursing homes to apply for Civil Monetary Penalty (CMP) reinvestment funds for purchase tents for outdoor visitation and/or clear dividers (e.g., Plexiglas or similar products) to create physical barriers to reduce the risk of transmission during in-person visit.

According to the criteria set forth by CMS, grant awards must be used to directly address the use of tents for outdoor visitation and/or clear dividers (e.g., Plexiglas or similar product) to create a physical barrier to reduce the risk of transmission during in-person visits. The application should not include requests for items identified as prohibited (Personal Protective Equipment, infrared temperature scanners, COVID-19 testing machines or supplies, etc.).

Funding is limited to a maximum of \$3,000 per facility. NOTE: When installing tents, facilities need to ensure appropriate life safety code requirements found at 42 CFR 483.90 are met, unless waived under the PHE declaration. The Department is authorized to approve applications for CMP funding that meet the defined CMS parameters as outlined in the application without review by CMS as long as the requests do not exceed \$3,000 per facility. Expenses occurred on or after release of the CMS memo QSO 20-39-NH (September 17, 2020) are eligible for reimbursement.

Facilities that are interested in applying for this opportunity must complete both the Civil Money Penalty (CMP) Reinvestment Application Template Communicative Technology Request **and** the New York State Department of Health CMP Reinvestment Addendum attached to this letter. Each facility must submit its own complete application and addendum to be considered for funding. Applicants will receive notification from the Department on the outcome of their request.

Nursing Homes will have 7 days from the date of this notice to submit a completed CMP COVID-19 In-Person Visitation Application as well as the NYSDOH CMP Application Addendum to [covidnursinghomeinfo@health.ny.gov](mailto:covidnursinghomeinfo@health.ny.gov) Completed applications and information must be submitted to: [covidnursinghomeinfo@health.ny.gov](mailto:covidnursinghomeinfo@health.ny.gov) **no later than 3 p.m. on March 3, 2021.** Any applications that were submitted prior to the date of this letter will need to be resubmitted following the instructions provided. Incomplete or late applications will not be reviewed. If you have any questions about the above information, please email [covidnursinghomeinfo@health.ny.gov](mailto:covidnursinghomeinfo@health.ny.gov).

Sincerely,

A handwritten signature in cursive script that reads "Sheila McGarvey".

Sheila McGarvey  
Director  
Division of Nursing Homes & ICF/IID  
Surveillance  
Center for Health Care Provider Services  
and Oversight

Attachments

# **Civil Money Penalty (CMP) Reinvestment Application Template Coronavirus Disease 2019 (COVID-19) In-Person Visitation Aids Request Instructions**

The Centers for Medicare & Medicaid Services (CMS) has issued guidance for Nursing Home Visitation – COVID-19 (Refer to <https://www.cms.gov/files/document/qso-20-39-nh.pdf>). By following a person-centered approach and adhering to the core principles of COVID-19 infection prevention, visitation can occur safely based on this guidance. Recognizing that considerations allowing for visitation in each phase of re-opening may be difficult for residents and their families, CMS has developed this application template for requests for the use of Civil Money Penalty (CMP) Reinvestment funds to provide nursing homes with in-person visitation aids.

Applicants shall submit this CMP Reinvestment Application to the applicable state agency (SA). The SA shall make a determination on the potential of the project to benefit nursing home residents and improve their quality of care and quality of life. The applicant will be notified by the SA about a funding decision, and applicants may contact the applicable SA with questions about their CMP Reinvestment Application.

**NOTE: This template can only be used for in-person visitation aids for nursing homes.**

**CMS is clarifying that CMPs can be used to purchase any of the following strictly for the purposes of in-person visitation:**

- tents or other shelter for outdoor visitation (purchase and/or rental); and/or
- clear dividers (e.g., Plexiglas or similar product) to create a physical barrier to reduce the risk of transmission during in-person visits.

Funding is also limited to a maximum of **\$3,000 per facility** which can include installation, installation materials, and shipping costs for allowable items mentioned above. When installing any items for visitation purposes, facilities need to ensure appropriate life safety code requirements found at 42 CFR 483.90 are met, unless waived under the PHE declaration.

Expenses incurred on or after the release of Memorandum QSO 20-39-NH (September 17, 2020) are eligible for reimbursement.

**Prohibited expenses include but are not limited to:**

- Outdoor furniture (chairs, tables, etc.)
- Portable heating units
- Air Purifiers
- Fans
- Ventilation systems
- Lighting system
- Personal Protective Equipment (PPE)
- Portable fire extinguishers of approved types
- Disinfectant and Cleaning Supplies (Disinfectant wipes, hand sanitizer, etc.)
- No-Smoking signage
- Administrative fees
- Indirect Cost. For example: federally determined indirect (facilities and administrative-F&A) costs such as staff fringe benefits or facility maintenance.
- Travel expenses
- Infrared temperature scanners
- COVID-19 testing and testing equipment

**1. Project and Applicant Requirements to use the In-Person Visitation Aids Application Template.**

Projects must:

- Directly address the need to facilitate in-person visits for residents.
- Fall within the following parameters for use of funds:
  - Funds must only be used to purchase the types of visitation aids described above.
  - Tent or other shelter must allow for social distancing to be observed.
  - Maximum allowance of \$3,000 per facility.
- Ensure appropriate LSC requirements found at 42 CFR 483.90 are met, unless waived under the PHE declaration.
- Ensure core principles of infection prevention and control practices. Surfaces must be cleaned and disinfected between resident use.
- Work with state officials to determine the appropriate level of visitation restrictions within available guidelines from the CDC (e.g., limiting the number of individuals visiting with any one resident).

To be considered for funding, each application must include the following information:

- Name(s) of facility(ies) to receive visitation aids (and CMS Certification Numbers (CCNs)).
- Number of certified facility beds.
- Type(s) of visitation aids.
- Cost per visitation aid.
- Total number of visitation aids requested.
- Total funds requested.

**2. Eligibility Guidelines** – confirm this project meets criteria outlined in Section 1.

Yes       No

**3. Applicant Contact and Background Information**

Organization Contact Information	
Contact:	
Name:	
Phone:	
Email:	
Address:	
State:	

**4. Total CMP Fund Request Amount**

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Note: this amount should match the total cost of the items in section 5 below, in addition to items in the addendum (section 7).

**5. Budget**

Applicants must provide a line-item budget for all items, broken down per facility, for which CMP funding is requested. All items must directly relate to in-person visitation aids.

Facility Name	CMS Certification Number (CCN)	Number of Certified Facility Beds	Type of Visitation Aids (e.g. tents, clear dividers, installation, installation materials, shipping costs)	Cost per Visitation Aid	Number of Visitation Aids	Total Cost per Facility
<b>TOTAL PROJECT COST</b>						

If the project includes more items than will fit in the table above or the addendum section below, please provide a complete record in an Appendix.

**6. Attestation Statement**

CMP funds have been provided for the express purpose of enhancing quality of care and quality of life in nursing homes certified to participate in Title 18 and Title 19 of the Social Security Act. **Applicants cannot use the standard CMP application process to supplement their visitation aid request to obtain additional in-person visitation aids in excess of the \$3,000 maximum limit.** By signing below, you are confirming that everything stated in this application is truthful and you are aware and in compliance with the CMP project and applicant requirements.

Name of the Applicant (print):	
Date of Signature:	
Signature of the Applicant:	



**New York State Department of Health CMP Reinvestment Addendum**

Please refer to the Dear Administrator Letter NH 21-05 related to Civil Monetary Penalty Reinvestment Funds to provide funds to provide nursing homes with in-person visitation aides.

Nursing homes that are interested in applying for Civil Monetary Penalty (CMP) Funding for the purchase tents for outdoor visitation and/or clear dividers must complete both the Civil Money Penalty (CMP) Reinvestment Application Template Coronavirus Disease 2019 (COVID-19) In-Person Visitation Aids Request **and** this New York State Department of Health CMP Reinvestment Addendum.

Please provide the following information:

1. Facility Name noted in Health Facilities Information System (FICS) \_\_\_\_\_
2. Facility Identification Number (PFI) \_\_\_\_\_
3. Applicant six- digit CMS Certification Number (CCN) \_\_\_\_\_
4. The applicant facility has the ability to promote in- person outdoor visits.  
\_\_\_\_\_Yes          \_\_\_\_\_No
  - a. The applicant facility can install tents (purchase and/or rental).  
\_\_\_\_\_Yes          \_\_\_\_\_No
  - b. The applicant can install clear dividers (e.g., Plexiglass or similar product).  
\_\_\_\_Yes          \_\_\_\_\_No
5. Will the purchases made using CMP funds allow for social distancing during visitation?  
\_\_\_\_\_Yes          \_\_\_\_\_No
6. Does your facility meet all LSC requirements found at 42 CFR 483.90 (unless waived under the PHE declaration with the used for on-site visitation)?  
\_\_\_\_\_Yes          \_\_\_\_\_No
7. Do you have an infection prevention and control practice policy in place to address cleaning and disinfecting infecting surfaces between resident use?  
\_\_\_\_\_Yes          \_\_\_\_\_No
  - Attach your facility’s infection control and prevention practices related to environmental cleaning of the tent space and/or clear dividers

**Attestation Statement**

CMP funds are provided for the express purpose of enhancing quality of care and quality of life in nursing homes certified to participate in Title 18 and Title 19 of the Social Security Act. By signing below, you are confirming that everything stated in this addendum is true and you are aware and in compliance with the CMP project and applicant requirements.

Name of the Applicant (print): \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Signature of the Applicant: \_\_\_\_\_