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Governor

## Department of Health

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

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

June 25, 2021

Re: NH-21-17 *Revised* Nursing Home  
COVID-19 Testing Requirements

Dear Nursing Home Operators and Administrators:

The COVID-19 State of Emergency in New York State ended on June 24, 2021. Starting June 25, 2021, requirements for staff testing in Nursing Homes will be governed by [CMS QSO 20-38-NH](#) Revised April 27, 2021. This DAL explains those requirements for nursing homes licensed in NYS.

### **Routine COVID-19 Testing of Nursing Home Personnel**

Effective immediately, operators and administrators of all nursing homes are required to test or arrange for the routine testing for COVID-19 of all personnel who have not been fully vaccinated, as defined by the Centers for Disease Control and Prevention, including employees, contract staff, medical staff, operators and administrators, for COVID-19 once per month consistent with county positivity rates and the updated April 27, 2021 CMS guidance (QSO 20-38-NH) which stated “vaccinated staff do not need to be routinely tested.”

Until further notice, any positive test result must continue to be reported to the Department by 1:00 p.m. of the day following receipt of such test results, in accordance with existing reporting protocols and mechanisms, and including but limited to data entry to the Electronic Clinical Laboratory Reporting System (ECLRS).

To facilitate ongoing testing of nursing home staff in New York State who are not fully vaccinated, the Department will continue distributing Abbott BinaxNow COVID-19 antigen tests directly to nursing homes. These tests can be used to perform the routine, monthly test of all unvaccinated staff. Until further notice, tests will continue to be allocated on a monthly basis, with the next delivery occurring in July. For additional information on SARS-CoV-2 Point of Care (POC) Antigen Tests please refer to the updated Frequently Asked Questions for Health Care Providers about Antigen Testing.

Please be advised that regardless of the frequency of testing, the facility should continue to screen all staff, residents (daily) and all persons entering the facility, such as vendors, volunteers, and visitors, for signs and symptoms of COVID-19. When prioritizing individuals to be tested, facilities should prioritize individuals with signs and symptoms of COVID-19 first, regardless whether such symptomatic staff are vaccinated against COVID-19, then perform testing triggered by an outbreak as specified below.

### **Testing of Staff and Residents with COVID-19 Signs or Symptoms**

Staff with signs or symptoms of COVID-19, whether fully vaccinated or not, must receive a COVID-19 test immediately, along with any other medically-appropriate testing (e.g. viral respiratory pathogens), and are expected to be restricted from the facility pending the results of COVID-19 testing. If COVID-19 is confirmed, facilities and staff must follow CDC return to work requirements for facility staff working in nursing homes. Staff who do not test positive for COVID-19 but have symptoms should follow facility policies to determine when they can return to work.

Residents who have signs or symptoms of COVID-19, whether fully vaccinated or not, must be tested immediately. While test results are pending, residents with signs or symptoms should be placed on transmission-based precautions (TBP) in accordance with CDC guidance. Once test results are obtained, the facility must take the appropriate actions based on the results.

### **Testing of Staff and Residents with an Exposure**

For information on testing staff and residents who may have been exposed to COVID-19, see the [CDC's Updated Healthcare Infection Prevention and Control Recommendations in Response to COVID-19 Vaccination](#).

### **Testing of Staff and Residents in Response to an Outbreak**

An outbreak is defined as a new COVID-19 infection in any healthcare personnel (HCP) or any nursing home-onset COVID-19 infection in a resident. In an outbreak investigation, rapid identification and isolation of new cases is critical in stopping further viral transmission. A resident who is admitted to the facility with COVID-19 does not constitute a facility outbreak.

Upon identification of a single new case of COVID-19 infection in any HCP or residents, all HCP and residents, regardless of vaccination status, should be tested immediately (see CMS QSO-38-NH), and all HCP and residents who test negative should be retested every 3 days to 7 days until testing identifies no new cases of COVID-19 infection among HCP or residents for a period of at least 14 days since the most recent positive result. See [CDC guidance "Testing Guidelines for Nursing Homes"](#) section Non-diagnostic testing of asymptomatic residents without known or suspected exposure to an individual infected with SARS-CoV-2.

Thank you for your ongoing commitment and efforts to protect the health and safety of your residents and staff. If you have further questions regarding this DAL, please contact the Division of Nursing Homes /IID Surveillance Bureau of Quality Assurance and Surveillance at [nursinghomeinfo@health.ny.gov](mailto:nursinghomeinfo@health.ny.gov).

Sincerely,

Sheila McGarvey, RN BSN,  
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