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Executive Commissioner

## **Long-Term Care Regulatory Provider Letter**

Number: PL 20-42 (replaces PL 20-38)

**Title:** COVID-19 Response - Expansion of Reopening Visitation

**Provider Type:** Assisted Living Facilities (ALF)

Date Issued: October 16, 2020

## 1.0 Subject and Purpose

As part of the continued reopening of the State of Texas, HHSC has adopted expanded emergency rules to allow for essential caregiver visits, salon services visits, and limited indoor and outdoor visitation in ALFs. ALFs are required to allow closed window visits, end-of-life visits, and visits of persons providing critical assistance, including essential caregivers for residents. ALFs are also required to seek a visitation designation to allow additional general visitation. This letter describes the requirements for these visits. See the expansion of reopening visitation rules at 26 TAC §553.2003 for the complete list of requirements.

# 2.0 Facility Visitation Designation Requirements

An ALF must receive an approved general visitation designation from HHSC before it can begin permitting outdoor visits, indoor plexiglass visits, open window visits, and vehicle parades, and must allow these types of visits upon receiving an approved visitation designation.

To receive an approved general visitation designation, an ALF must:

- demonstrate that it has separate areas which include enclosed rooms such as bedrooms or activities rooms, units, wings, halls, or buildings designated for COVID-19 positive, COVID-19 negative, and unknown COVID-19 status individual cohorts;
- have separate, dedicated staff who work exclusively in the separate areas, units, wings, halls, or buildings;

- have no facility-acquired COVID-19 cases in residents for at least 14 consecutive days; and
- have no COVID-19 cases in staff working in the area, unit, wing, hall, or building that accommodates residents who are COVID-19 negative.

Note: to receive an approved general visitation designation, a small ALF that cannot provide separate areas including enclosed rooms such as bedrooms or activities rooms, units, wings, halls, or buildings for residents who are COVID-19 positive, COVID-19 negative, or unknown COVID-19 status, based on the status of the entire facility, must:

- have no facility-acquired COVID-19 cases in residents for at least 14 consecutive days; and
- have no confirmed COVID-19 cases in staff for at least 14 consecutive days.

An ALF must provide instructional signage throughout the facility and proper visitor education regarding:

- signs and symptoms of COVID-19;
- infection control precautions; and
- other applicable facility practices (e.g., the use of facemasks or other appropriate PPE, specified entries and exits, routes to designated visitation areas, and hand hygiene)

An ALF that does not meet the criteria for a visitation designation must continue to permit closed window visits and end-of-life visits for residents regardless of their COVID-19 status, as well as essential caregiver visits for residents with COVID-19 negative or unknown COVID-19 status. Such an ALF must also must develop and implement a plan to meet the visitation criteria and submit the plan to the regional director in the Long-term Care Regulation (LTCR) region where the ALF is located within five business days of submitting the new 2196 Expansion of Reopening Visitation Status Attestation Form, or within five business days of receiving notification from HHSC that the ALF was not approved for general visitation designation. See section 11.0 of this document for information about LTCR form 2196.

# 3.0 Plexiglass Indoor Visitation

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ALF must allow indoor plexiglass visits for all residents who are COVID-19 negative. Prior to using the plexiglass barrier or booth, the ALF must submit a photo of it and its location in the facility for approval from HHSC. The plexiglass barrier or booth is not required to be constructed with three sides or to meet specific size specifications. It can be any layout and size that aids in infection prevention and control and is approved by HHSC.

The plexiglass barrier or booth <u>must not</u> be installed in an area of the facility where it:

- blocks or obstructs a means of egress (e.g., exit door, hallway or the way out of a room);
- · blocks or interferes with any fire safety equipment or system; or
- offers access to the rest of the facility or contact between the visitors and other residents.

During an indoor plexiglass visit, the ALF must ensure:

- physical distancing of at least six feet is maintained between residents and visitors;
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit;
- residents wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit; and
- both the visitor and the individual practice proper hand hygiene.

# 4.0 Open Window Visits

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ALF must allow open window visits for all residents who are COVID-19 negative. During an open window visit, the ALF must ensure:

- physical distancing of at least six feet is maintained between residents and visitors;
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit;
- residents wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit; and
- both the visitor and the individual practice proper hand hygiene.

#### 5.0 Vehicle Parades

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ALF must allow vehicle parades for all residents who are COVID-19 negative. The ALF must provide a comfortable and safe outdoor visiting area for vehicle parades, considering outside air temperatures and ventilation. During a vehicle parade, the ALF must ensure:

- visitors must remain in their vehicles throughout the parade;
- physical distancing of at least six feet is maintained between residents throughout the parade;
- residents are not closer than 10 feet to the vehicles for safety reasons;
- residents wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit.

#### **6.0 Outdoor Visits**

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ALF must allow outdoor visits for all residents who are COVID-19 negative. The ALF must provide a comfortable and safe outdoor visiting area for outdoor visits, considering outside air temperatures and ventilation. During an outdoor visit, the ALF must ensure:

- physical distancing of at least six feet is maintained between residents and visitors;
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit;
- residents wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit; and
- both the visitor and the individual practice proper hand hygiene.

# 7.0 Essential Caregiver Visits

An essential caregiver visit is defined as a personal visit between an individual and an essential caregiver, permitted in all facilities for COVID-19 negative and unknown COVID-19 status residents.

ALFs must allow essential caregiver visits.

- An ALF does not need an approved general visitation designation from HHSC to allow essential caregiver visits.
- Up to two essential caregivers can be designated per individual, but each visit is limited to one essential caregiver at a time.
- Each essential caregiver visit must be by appointment and limited to two hours, unless the ALF can only accommodate a visit for a shorter or longer amount of time and adjusts the length accordingly.
- Essential caregiver visits can occur outdoors, in the resident's bedroom, or in another area in the facility that limits visitor movement through the facility and interaction with other residents.
- The essential caregiver must be screened before being allowed to enter the facility and trained by the ALF on the appropriate use of personal protective equipment (PPE).
- The resident must wear a facemask or cloth face covering over both the mouth and nose (if tolerated) throughout the visit.
- Essential caregivers do not have to maintain physical distancing between themselves and the resident they are visiting but must maintain physical distancing between themselves and other residents and staff.
- An essential caregiver visit is not allowed if the visitor has signs or symptoms of COVID-19, an active COVID-19 infection, or other communicable diseases, or if the resident has an active COVID-19 infection.

## 7.1 Requirements for Essential Caregiver Visits

#### The ALF must:

- develop and enforce essential caregiver visitation policies and procedures as stated in the expanded emergency rules. This includes:
  - developing a testing strategy for essential caregiver visitors;
  - training the essential caregivers on proper use of PPE; and
  - informing the essential caregivers of expectations related to infection control;

- inform the essential caregivers of applicable policies, procedures, and requirements and maintain documentation of the essential caregiver's agreement to follow them;
- approve the essential caregiver visitor's facemask and any other appropriate PPE recommended by Centers for Disease Control and Prevention (CDC) guidance and the ALF's policy; or provide a caregiver with an approved facemask and any other appropriate PPE;
- document the identity of each essential caregiver in the resident's file and create an essential caregiver badge;
- maintain a record of each essential caregiver visit. This includes:
  - the date and time of the arrival and departure;
  - o the name of the essential caregiver;
  - o the name of the resident being visited; and
  - attestation that the identity of the essential caregiver visitor was confirmed;
- escort the essential caregiver visitor in and out of the designated visitation area; the visit itself does not need to be monitored by facility staff.

## The essential caregiver visitor must:

- wear a facemask over both the mouth and nose and other appropriate PPE recommended by CDC guidance and the ALF's policy while in the facility;
- have had a negative COVID-19 test no more than 14 days before the first essential caregiver visit, unless the ALF performs a rapid test prior to entry into the facility;
- sign an agreement to leave the facility at the appointed time unless otherwise approved by the ALF; and
- self-monitor for signs and symptoms of COVID-19.

### 8.0 End-of-life Visits

An end-of-life visit is a personal visit between a visitor and a resident who is at the end-of-life and is permitted in all facilities for all residents at the end-of-life. An ALF must allow end-of-life visits for all residents with COVID-19 positive, COVID-19 negative, or unknown COVID-19 status. An ALF does not need an approved general visitation designation from HHSC to allow end-of-life visits.

#### 9.0 Closed Window Visits

A closed window visit is a personal visit between a visitor and a resident during which the resident and visitor are separated by a closed window and the visitor does not enter the building. An ALF must allow closed window visits for all residents with COVID-19 positive, COVID-19 negative, or unknown COVID-19 status. An ALF does not need an approved general visitation designation from HHSC to allow closed window visits.

#### 10.0 Salon Service Visits

An ALF can allow a salon services visitor to enter the facility to provide services to a COVID-19 negative resident if the requirements in the expanded emergency rules are met, including screening of the barber or beautician. An ALF does not need an approved general visitation designation from HHSC to allow salon services visits.

A salon services visit is not allowed if the visitor has signs or symptoms of COVID- 19, an active COVID-19 infection, or other communicable diseases, or if the resident receiving the service has an active COVID-19 infection or unknown COVID-19 status.

#### 11.0 LTCR Form 2196

Each ALF must submit LTCR form 2196 to the Regional Director in the LTCR region where the facility is located and must provide information about whether the ALF meets or does not meet the criteria for expanded general visitation. Each ALF must submit a completed form 2196 to the Regional Director no later than October 31, 2020.

An ALF that does not meet the visitation designation criteria must attest that it:

- is permitting closed window visits, end of life visits, and essential caregiver visits;
- will develop and implement a plan to meet the visitation designation criteria as defined in 26 TAC §553.2003; and
- has included the plan with the form or will submit the plan within five business days of submitting the form.

To seek a designation for general visitation, an ALF must complete LTCR Form 2196, Expansion of Reopening Visitation Status Attestation, to notify LTCR that the ALF seeks a designation as a visitation facility. The form must be emailed to the LTCR Regional Director in the LTCR region where the facility is located. Any applicable pictures and facility maps must also be included with LTCR Form 2196.

The LTCR Regional Director or designee will review the form within three business days of submission and notify the ALF whether it has received been approved for a visitation designation. An ALF with previous approval for visitation does not have to submit LTCR Form 2196 or other documentation unless the previous visitation approval has been withdrawn, rescinded, or cancelled, or was for only indoor or outdoor visitation instead of both indoor and outdoor visitation.

If approved, the ALF must allow outdoor visits, indoor plexiglass visits, open window visits, and vehicle parades in accordance with the applicable emergency rule. HHSC LTCR can conduct an on-site visit to confirm an ALF's compliance with the requirements. If HHSC determines that the ALF does not meet the requirements for the designation as a visitation facility, the ALF must immediately stop all visitation except a closed window visit, end-of-life visit, and visits by persons providing critical assistance, including designated essential caregivers.

The form also requires the facility administrator or director to attest to the following:

- the ALF has had no confirmed COVID-19 cases in staff for at least 14 consecutive days in the specified areas, wings, units or buildings;
- there are no active or facility-acquired COVID-19 cases in residents in the specified areas, wings, units, or buildings, and the ALF has included a map indicating which areas, wings, units, or buildings accommodate COVID-19 negative, COVID-19 positive, and unknown COVID-19 status residents; and
- no COVID-19 cases have occurred in the specified areas, wings, units, or buildings of the facility; or
- if there have been previous cases of COVID-19 among staff or residents, HHSC LTCR may conduct a verification survey and confirm the following:

- all staff and residents in the specified areas, wings, units, or buildings have fully recovered;
- the ALF has adequate staffing to continue to care for all residents and visits permitted in expansion of reopening visitation; and
- the ALF is in full compliance with infection control requirements and emergency rules related to COVID-19.

An ALF must submit the form to the LTCR Regional Director in the region where it is located and not to any other HHSC unit or section, as this will delay approval.

An ALF with a general visitation designation should be prepared to provide documentation upon HHSC request to demonstrate that it was COVID-19 free for 14 days prior to its request for the designation. Facilities can provide COVID-19 testing results for the most recent 14-day period prior to the request for visitation designation. If a testing strategy is not used, an ALF can provide staff and resident screening logs covering the most recent 14-day period prior to the request for designation.

If, at any time after a visitation designation is approved by HHSC, the ALF experiences an outbreak of COVID-19, the ALF must notify the Regional Director in the LTCR Region where it is located that the ALF no longer meets visitation criteria, and the ALF must immediately stop all visitation, except a closed window visit, end-of-life visit, or visits by persons providing critical assistance, including essential caregivers. The ALF can submit a new request for designation when it meets all visitation criteria.

Under Section 37.10 of the Texas Penal Code, a person commits a criminal offense if he or she makes a false entry in a governmental record; makes, presents, or uses any record or document with knowledge of its falsity and intent that it be taken as a genuine governmental record; or makes, presents, or uses a governmental record with knowledge of its falsity.

In addition, making a false statement on the attestation form can result in the imposition of an administrative penalty as described in Texas Health and Safety Code, Chapter 247, section 247.0451(a).

## 12.0 Background/History

To protect residents in ALFs, HHSC has adopted expanded emergency rules requiring limited indoor and outdoor visitation and identified essential caregiver visits as visits by persons providing critical assistance.

#### 13.0 Resources

Contact Information for Submitting LTCR Form 2196 to the LTCR Regional Director: <a href="https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers">https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers</a>

LTCR Form 2196

Emergency rule in 26 TAC, Chapter 553, §553. 2003

#### 14.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules and Training Section by email at <a href="mailto:PolicyRulesTraining@hhsc.state.tx.us">PolicyRulesTraining@hhsc.state.tx.us</a> or call (512) 438-3161.



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# LTCR FORM 2196: Expansion of Reopening Visitation Status Attestation Form for ALF Only

#### **SECTION 1: Facility Information**

Instructions: Submit Form 2196 to your Regional Director to request designation as a visitation facility. You must wait for approval prior to implementing new expansion of reopening visitation protocols. https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers

Facility Type:		
Facility Name:	Facility #/ID#:	
Contact Name:	Contact #:	
Contact's Email:		
Address:		
Facility's County:		
Visitation Designation requested:	List each wing, unit, area, or building for which you are requesting visitation designation below.	
Indicate type of		
_	of visitation: kiglass booth/barrier visitation only (only select if requesting an exemp	tion fo
•	tation types)	CIOII IO
	itation, vehicle parades and open window visits only (only select if req on for indoor plexiglass visits)	uesting
☐ Indoor plexi	iglass booth/barrier and outdoor visitation	
	n exemption (indoor plexiglass visitation only or outdoor visitation only omplete $\frac{\text{Section 2}}{\text{Section 5}}$ of this form.	y),
	ndoor plexiglass booth/barrier visitation, please attach pictures of the the location of the booth/barrier in the facility, and the building map	that

Note: there may be more stringent restrictions from local authorities that prohibit visitation to a facility. The facility must follow the more stringent guidelines.

indicates where in the facility the booth/barrier is located.

#### **SECTION 2: ALF meets the visitation designation criteria**

Note: All ALFs must offer visitation, per state guidance. Complete Section 2 if your facility meets the visitation designation criteria. Complete Section 3 if your facility does not meet visitation designation criteria. Visitation criteria from 26 TAC §533.2003(h) and (i) are listed in Section 7 for your reference. All ALFs must complete Section 6, the signature section.

I hereby attest that:		
$\square$ There have been no confirmed COVID-19 cases in facility staff for at least 14 consecutive days in the specified areas, wings, units or buildings.		
$\square$ There are no active or facility-acquired COVID-19 cases in residents in the specified areas, wings, units or buildings.		
☐ I have attached a facility map indicating which areas, wings, units or buildings accommodate COVID-19 negative, COVID-19 positive and unknown COVID-19 status residents.		
$\square$ There is <u>no</u> local order prohibiting visitation in this facility.		
I hereby further attest that either:		
There have been no confirmed COVID-19 cases in facility staff and/or residents in the specified areas, wings, units or buildings of the facility.		
OR		
$\square$ There have been previous cases of COVID-19 in facility staff and/or residents in		
the specified areas, wings, units or buildings of the facility, and:		
(A) all staff and/or residents in the specified areas, wings, units or buildings have fully recovered,		
(B) the facility has adequate staffing to continue care for all residents and visits permitted in expansion of reopening visitation, and		
(C) the facility is in compliance with infection control requirements and emergency rules related to COVID-19.		

I understand that HHSC may verify this attestation through an onsite visit.

# SECTION 3: ALF DOES NOT meet visitation designation criteria I hereby attest that: ☐ I have attached a facility map indicating which areas, wings, units, or buildings accommodate COVID-19 negative, COVID-19 positive, and unknown COVID-19 status residents. ☐ The facility does not currently meet the criteria for visitation designation. and ☐ The facility is permitting closed window visits, end-of-life visits, and essential caregiver visits. and There is no local order prohibiting visitation in this facility. I further attest that: The facility has developed and implemented a plan to meet the visitation designation criteria as defined in 26 TAC §533.2003(h) or (i), and the plan is included with this form. or The facility will submit a plan to meet the visitation designation criteria defined in 26 TAC §553.2003 (h) and (i) within 5 business days of submitting this form. SECTION 4: ALF unable to offer visitation because of local order I hereby attest that: ☐ There is a local order prohibiting visitation in this facility. and Once the local order is no longer in effect, I will resubmit LTCR Form 2196 and request visitation designation. I hereby further attest that: I have included a copy of the local order or the website where the local order can be

viewed.

### SECTION 5: ALF unable to offer both indoor plexiglass and outdoor visitation

An ALF facility may request an exemption for outdoor visits, indoor plexiglass visits, open window visits, or vehicle parades. If your facility is unable to offer outdoor visits, indoor plexiglass visits, open window visits or vehicle parades, please provide an explanation as to why the facility is unable to meet the visitation requirements specified in 26 TAC

§553.2003 (I)(6), (I)(12)-(13), (m) or (n), and submit the explanation to this form. The visitation criteria are located in  $\frac{\text{Section 7}}{\text{Section 7}}$  for your reference. HHSC will review the rationale to determine if an exemption can be approved and will notify the ALF if an exemption is approved or denied, and whether the exemption is temporary or long-term, dependent upon the situation

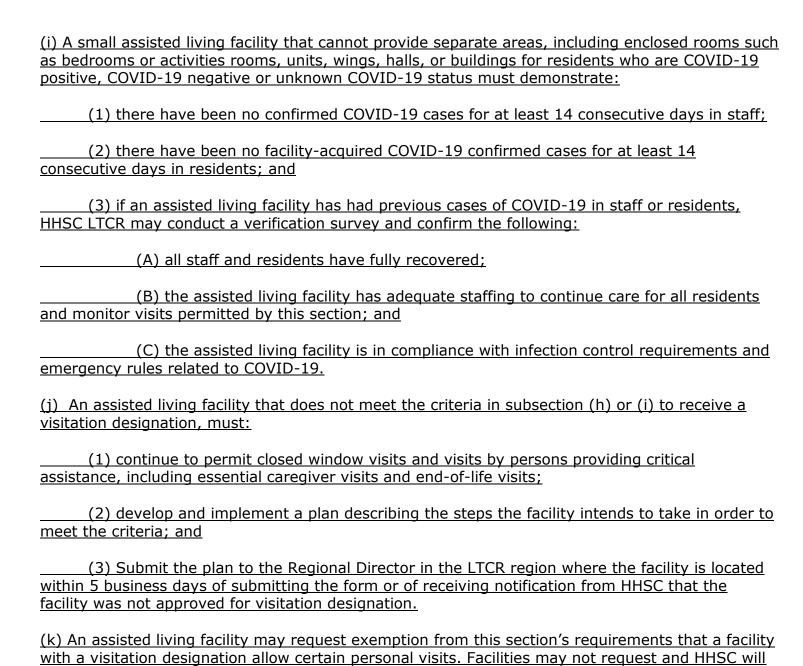
SECTION & Signature and HUSC Deview

Name and title of ALF administrator/manager providing attestation:
Signature:
Date:
Email the form (and any applicable pictures, facility maps, and attachments) to the LTCR regional director in the LTCR region where the facility is located.
Approved by/date:

Note: there may be more stringent restrictions from local authorities that prohibit visitation to a facility. The facility must follow the more stringent guidelines.

# **SECTION 7: Rule References**

(h) To receive a facility visitation designation, an assisted living facility must demonstrate:
(1) there are separate areas, which include enclosed rooms such as bedrooms, or activities rooms, units, wings, halls, or buildings for resident cohorts who are COVID-19 positive, COVID-19 negative or unknown COVID-19 status;
(2) separate staff are working in the separate areas, units, wings, halls, or buildings for residents who are COVID-19 positive, COVID-19 negative or unknown COVID-19 status;
(3) there have been no confirmed COVID-19 cases for at least 14 consecutive days in staff working in the area, unit, wing, hall, or building which accommodates residents who are COVID-19 negative;
(4) there have been no facility-acquired COVID-19 confirmed cases for at least 14 consecutive days in residents in the COVID-19 negative area, unit, wing, hall, or building;
(5) staff are designated to work with only one resident cohort and the designation does not change from one day to another;
(6) evidence upon HHSC request of daily screening for staff and residents, if a testing strategy is not used; and
(7) if an assisted living facility has had previous cases of COVID-19 in staff or residents in the area, unit, wing, hall, or building which accommodates residents who are COVID-19 negative, HHSC LTCR may conduct a verification survey to confirm the following:
(A) all staff and residents in the COVID-19 negative area, unit, wing, hall, or building have fully recovered;
(B) the assisted living facility has adequate staffing to continue care for all residents and monitor visits permitted by this section; and
(C) the assisted living facility is in compliance with infection control requirements and emergency rules related to COVID-19.



- not approve an exemption from closed window visits or visits by persons providing critical assistance, including essential caregivers and end of life visits. If the assisted living facility determines it is unable to meet one or more of the other visitation requirements of this section, the facility must request exemption from that requirement and explain its inability to meet the visitation requirement on the COVID-19 Status Attestation Form. HHSC will notify the assisted living facility if a temporary exemption for a specific visit type is granted and the time period for exemption.
- (I) Except if approved by HHSC for an exemption under subsection (k) of this section, an assisted living facility with a facility visitation designation must allow outdoor visits, open window visits, vehicle parades, and plexiglass indoor visits involving residents and personal visitors. The following requirements apply to all visitation required under this subsection, and other visitation types as specified:

(1) Visits must be scheduled in advance and are by appointment only. (2) Visitation appointments must be scheduled to allow time for cleaning and sanitation of the visitation area between visits. (3) An assisted living facility must allow outdoor visits, open window visits, vehicle parades, and plexiglass indoor visits for residents who are COVID-19 negative, as can be accommodated by the assisted living facility. Residents with unknown COVID-19 status or COVID-19 positive status cannot participate in outdoor visits, open window visits, vehicle parades, or plexiglass indoor visits. (4) The assisted living facility must allow closed window visits and end-of-life visits for residents who are COVID-19 negative, COVID-19 positive, or unknown COVID-19 status, as can be accommodated by the assisted living facility. (5) Physical contact between residents and visitors is prohibited, except for essential caregiver and end-of-life visits. (6) An assisted living facility must allow visits where adequate space is available that meets criteria and when adequate staff are available to monitor visits. Essential caregiver visits and endof-life visits can take place in the resident's room or other area of the facility separated from other residents. The assisted living facility must limit the movement of the visitor through the facility to ensure interaction with other residents is minimized. (7) The visitor must wear a facemask or face covering over both the mouth and nose throughout the visit, except visitors participating in a vehicle parade or closed window visit. (8) The resident must wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit. (9) The assisted living facility must ensure physical distancing of at least six feet is maintained between visitors and residents at all times and limit the number of visitors and residents in the visitation area as needed to ensure physical distancing is maintained. Essential caregiver and end of life visitors do not have to maintain physical distancing between themselves and the resident they are visiting but must maintain physical distancing between themselves and all other residents, staff, and other visitors.

- (10) The assisted living facility must limit the number of visitors per resident per week, and the length of time per visit, to ensure equal access by all residents to visitors.
- (11) Cleaning and disinfecting of the visitation area, furniture, and all other items must be performed, per CDC guidance, before and after each visit.
- (12) The assisted living facility must ensure a comfortable and safe outdoor visiting area for outdoor visits, and vehicle parades, considering outside air temperatures and ventilation.
- (13) For outdoor visits, the assisted living facility must designate an outdoor area for visitation that is separated from residents and limits the ability of the visitor to interact with residents.
- (14) The assisted living facility must provide hand washing stations, or hand sanitizer, to the visitor and resident before and after visits, except visitors participating in a vehicle parade or closed window visit.
- (15) The visitor and the resident must practice hand hygiene before and after the visit, except visitors participating in a vehicle parade or closed window visit.