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Date: April 7, 2021

To: Nursing Facilities
Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs)
Adult Assisted Housing Providers

Re: Clarification on facility testing and visitation

Purpose

The purpose of this memorandum is to clarify the applicability of the outbreak testing requirements in QSO-20-39-NH, updated by CMS on March 10, 2021, and if a facility can deviate from universal testing.

Federal CMS Guidance QSO-20-39-NH revised 3/10/21

On March 10, 2021, CMS released revised guidance for nursing home visitation which emphasizes that visitation should be allowed “at all times and for all residents (regardless of vaccination status), except for a few circumstances” which are noted in that guidance.

The introduction within the guidance emphasizes that visitation may still be allowed when a facility has an outbreak, and emphasizes the need for routine surveillance testing of staff, people with symptoms, and during outbreaks:

“Indoor Visitation during an Outbreak

An outbreak exists when a new nursing home onset of COVID-19 occurs (i.e., a new COVID-19 case among residents or staff). This guidance is intended to describe how visitation can still occur when there is an outbreak, but there is evidence that the transmission of COVID-19 is contained to a single area (e.g., unit) of the facility. To swiftly detect cases, we remind facilities to adhere to CMS regulations and guidance for COVID-19 testing, including routine staff testing, testing of individuals with symptoms, and outbreak testing.”

A key provision of this guidance includes indoor visitation and testing during an outbreak:

When a new case of COVID-19 among residents or staff is identified, a facility should immediately begin outbreak testing and suspend all visitation (except that required under federal disability rights law), until at least one round of facility-wide testing is completed. Visitation can resume based on the following criteria:

- If the first round of outbreak testing reveals **no additional COVID-19 cases in other areas (e.g., units) of the facility**, then visitation can resume for residents in areas/units with no COVID-19 cases. However, the facility should suspend visitation on the affected unit until the facility meets the***

criteria to discontinue outbreak testing. For example, if the first round of outbreak testing reveals two more COVID-19 cases in the same unit as the original case, but not in other units, visitation can resume for residents in areas/units with no COVID-19 cases.

*•If the first round of outbreak testing **reveals one or more additional COVID-19 cases in other areas/units of the facility** (e.g., new cases in two or more units), then facilities should suspend visitation for all residents (vaccinated and unvaccinated), until the facility meets the criteria to discontinue outbreak testing.*

Thus, a facility must conduct universal testing of all staff and residents, regardless of vaccination status, unless specifically directed by Maine CDC otherwise. If a facility is directed by the Maine CDC to limit testing to a certain unit or area of the facility, then the facility may only ban routine indoor visits on those units. All other units and parts of the facility that the Maine CDC has determined are *not* required to be tested must be allowed visitation.

Facilities that are directed by the Maine CDC to limit outbreak testing to certain units, areas, or populations should receive an email or written communication from their Maine- CDC designated EPI Team investigator stating the Maine CDC testing recommendation. Facilities will need to show this to any CMS or licensing staff upon request.

If there are any additional questions or concerns, please reach out to our office for assistance in obtaining clarifications.