

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## LTCCC ALERT: NEW FEDERAL GUIDELINES ON NURSING HOME VISITATION

**April 28, 2021** – [Federal guidelines for nursing home visitation](#) have been updated to include explicit references to safety guidance from the Centers for Disease Control and Prevention (CDC). The CDC recommendations allow for indoor visitation for all residents, with limited exceptions (see “CDC Visitation Recommendations”). According to the updated guidelines issued on April 27, 2021 from the Centers for Medicare & Medicaid Services (CMS), nursing homes are to follow [CDC guidance](#) when making determination about individual or facility-wide visitation.

Nursing homes should **not** make their own rules or follow guidelines from third parties—including corporate offices, industry lobby associations, or their own “experts.” They must **not** contradict guidance from CMS and the CDC.

If your nursing home is not following the CMS/CDC guidance, we urge you to file a complaint with your state health department, making clear any harm or suffering that is resulting from the resident’s isolation. This includes emotional distress and psychosocial harm, which the health department is required to take seriously.

It can also be very helpful to seek help from your local LTC Ombudsman office in these situations, however, that does not relieve the state health department of its mandate to enforce these important residents’ rights.

Following are excerpts from the CDC and CMS guidelines.

### CDC Visitation Recommendations (April 27, 2021)

*When is visitation allowed? Indoor visitation could be permitted for all residents except as noted below:*

- *Indoor visitation for unvaccinated residents should be limited solely to compassionate care situations if the COVID-19 county positivity rate is >10% and <70% of residents in the facility are fully vaccinated.*
- *Indoor visitation should be limited solely to compassionate care situations, for:*
  - *Vaccinated and unvaccinated residents with SARS-CoV-2 infection until they have met [criteria to discontinue Transmission-Based Precautions](#).*
  - *Vaccinated and unvaccinated residents in [quarantine](#) until they have met criteria for release from quarantine.*
- *Facilities in outbreak status should follow guidance from state and local health authorities and [CMS](#) on when visitation should be paused.*

**Note:** The CMS memo also includes information and direction on specific issues that may be important to you and others in your community, including:

1. Clarifying compassionate care;
2. Visitation during an outbreak;
3. Access to LTC Ombudsman services;
4. Communal activities and dining; and
5. Federal disability law rights and protections.

- Visitors should be counseled about their potential to be exposed to SARS-CoV-2 in the facility if they are permitted to visit.

Additional information is available in the [CMS memo addressing nursing home visitation – COVID-19 \(Revised 3/10/2021\)](#) and the [CMS memo addressing visitation at intermediate care facilities for individuals with intellectual disabilities and psychiatric residential treatment facilities -COVID-19](#)

## **CMS’s Required Visitation Guidance [Emphases added]**

**Facilities shall not restrict visitation without a reasonable clinical or safety cause, consistent with 42 CFR § 483.10(f) (4) (v). A nursing home must facilitate in-person visitation consistent with the applicable CMS regulations, which can be done by applying the guidance stated above. Failure to facilitate visitation, without adequate reason related to clinical necessity or resident safety, would constitute a potential violation of 42 CFR § 483.10(f) (4), and the facility would be subject to citation and enforcement actions. Residents who are on transmission-based precautions for COVID-19 should only receive visits that are virtual, through windows, or in-person for compassionate care situations, with adherence to transmission-based precautions. However, this restriction should be lifted once transmission-based precautions are no longer required per CDC guidelines, and other visits may be conducted as described above.**

## **CMS’s Indoor Visitation Guidance [Emphases added]**

**Facilities should allow indoor visitation at all times and for all residents (regardless of vaccination status), except for a few circumstances when visitation should be limited due to a high risk of COVID-19 transmission (note: compassionate care visits should be permitted at all times). These scenarios include limiting indoor visitation for:**

- **Unvaccinated residents, if the nursing home’s COVID-19 county positivity rate is >10% and <70% of residents in the facility are fully vaccinated;**
- **Residents with confirmed COVID-19 infection, whether vaccinated or unvaccinated until they have met the criteria to discontinue Transmission-Based Precautions; or**
- **Residents in quarantine, whether vaccinated or unvaccinated, until they have met criteria for release from quarantine.**