

# Current Status of Visitation in Nursing Homes During COVID-19: An Overview

January 14, 2022

## CMS Guidance

On November 12, 2021, the Centers for Medicare and Medicaid Services (CMS) updated their guidance on visitation in nursing homes. **Visitation is now allowed at all times for all residents, including indoor visitation.** All visitors must continue to adhere to infection prevention practices. Key points from the new guidance include:

- Facilities must allow indoor visitation at all times for all residents.
- Facilities can no longer limit frequency and length of visits, number of visitors, or require advanced scheduling of visits.
- Visits should be conducted in a way that adheres to the [core principles of COVID-19 infection prevention](#) and does not increase risks to other residents.
- Vaccinated and unvaccinated residents can have close contact, including touch. Visitors should be made aware of the risks of physical contact with unvaccinated residents before the visit.
- Communal activities and dining can occur while adhering to core principals of COVID-19 infection prevention. The safest approach is for everyone, regardless of vaccination status, to wear a mask while in communal areas.
- CMS strongly encourages vaccinations, but visitors, ombudsmen, protection and advocacy representatives, and surveyors are not required to be vaccinated.
- Visitors should be screened upon entry. Any visitor who is positive for COVID-19, or has symptoms of COVID-19, or meets the [criteria for quarantine](#) should not enter facilities.

## Updates to CMS Visitation FAQs

On January 6, 2022, CMS updated the [Frequently Asked Questions](#) (FAQs), which clarify their updated [Nursing Home Visitation Guidance](#) from November.

The updated FAQs continue to emphasize that visitation must be permitted at all times and state that visitation is critical for residents, acknowledging that past limits on visitation led to physical and psychosocial decline. Key updates include:

- While visitation should still occur, states may instruct facilities to take additional measures to make visitations safer, including wearing well-fitting masks, such as surgical or KN95s. States should work directly with CMS on measures they are considering.
- When outbreaks occur, facilities should continue consulting with state and local health departments to determine when modifications to visitation policies are appropriate. All discussions with the health department should be documented as should all measures facilities have taken to attempt to control the spread of COVID-19.

- Facilities should continue permitting visitation as cases spike due to the Omicron variant.

The guidance emphasizes residents' federal right to make choices about their lives in a facility and their right to visitation (42 CFR 483.10(f)(2) and (4)) and states that visitation must still be permitted despite rising cases.

Vaccination is strongly encouraged, though not required, and extra precautions for reducing the risk of COVID-19 transmission are suggested.

## States

Several states have updated their visitation policies following a surge in COVID-19 cases as the result of the Omicron variant.

**California** is requiring both vaccination and proof of a negative COVID-19 test (within one day of visitation for rapid antigen tests and within two days for a PCR test) for any indoor visitation. For visitors who visit on multiple consecutive days, testing is only required every three days. For instance, if a visitor tests 24 hours in advance of a Friday visit, they do not need to provide additional testing on Saturday or Sunday. However, they may need to test on those days for Monday's visit. Unvaccinated visitors must provide the same proof of a negative test and are only permitted to visit outdoors.

**Rhode Island** is requiring either proof of vaccination or proof of a negative COVID-19 test (within 48 hours for rapid antigen tests and within 72 hours for a PCR test) for all visitation. All visitors over the age of 2 without a qualifying medical condition must be masked and must keep their mask on for the duration of their visit.

**New York** will require a negative rapid antigen COVID-19 test within 24 hours of visitation or a PCR test within 48 hours of visitation. While visitors are encouraged to test at home, facilities will provide rapid tests at nursing homes. For visitors who visit every day, negative testing must be provided at a minimum of every three days. Visitors will also be required to wear surgical masks during their visit.

## The Long-Term Care Industry

On December 17, 2021, the American Health Care Association, AMDA, and Leading Age, wrote a letter to the CMS Administrator, asking that facilities be given the flexibility to put in place visitation restrictions, allowing facilities to "temporarily limit, restrict, or prohibit visitors from entering the facility" in light of the ongoing COVID-19 pandemic.

## Recent CMS Webinar

On a January 6, 2021 webinar "COVID-19 Vaccine and Booster: National Nursing Home Stakeholder Call", CMS reiterated their commitment to in-person visitation for all residents at all times. They emphasized that residents have the right to visitation and self-determination. They also noted that staff COVID-19 cases are outpacing resident COVID-19 cases, leading them to conclude that transmission of COVID-19 is more likely coming from staff than visitors. Nursing homes needing assistance, such as with policies, training, data reporting, vaccine access, and more, should contact

their [Quality Improvement Organization](#). They should also be working closely with their state and local Departments of Public Health.

## Consumer Voice

Consumer Voice continues to support full, unrestricted visitation with adherence to infection prevention protocols. In response to the industry's letter to CMS, Consumer Voice wrote to CMS in support of the December visitation guidance. The [letter](#) pointed out that previous lockdowns of visitation did not work to stop the spread of COVID-19 in facilities, emphasized the devastating effect of these previous lockdowns on residents, and noted that being reunited with loved ones has alleviated the suffering and isolation caused by inadequate staffing for many residents.

Consumer Voice strongly encourages family members to follow all infection prevention protocols that facilities require while visiting, including proper masking, hand washing, and social distancing. We encourage visitors to test before entering a facility. If testing is required, tests must be made available at no cost for families, residents, and staff. Federal and state governments must ensure availability of tests and hold facilities accountable for ensuring that infection prevention protocols are implemented and followed by all who enter the facility for ensuring that residents are receiving the necessary care and services. Additionally, Consumer Voice strongly advises all visitors to get vaccinated and boosted before visiting.



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