



Department of Health

ANDREW M. CUOMO
Governor

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

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

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DAL 21-06

Dear Hospital Chief Executive Officer and Nursing Home Administrators:

As you are aware, on June 23, 2021, Governor Andrew M. Cuomo announced the expiration of the State Disaster Emergency, declared pursuant to Executive Order 202, effective June 25, 2021. Accordingly, Executive Order 202.30, as modified, which required Article 28 general hospitals to obtain a negative COVID-19 test result prior to discharge to a nursing home, as well as Dear Administrator Letters ACF #20-14 and NH #20-07, dated May 11, 2020, which extended this requirement to test patients prior to discharge to an adult care facility, have now expired.

Hospitals and nursing homes are reminded that nursing homes must only accept residents for whom they are capable of providing appropriate and necessary care, as per CMS QSO 20-14-NH and existing State regulations at 10 NYCRR 415.26(i)(1)(ii).

The Department of Health strongly encourages hospitals that, as a condition of safe discharge pursuant to existing regulatory obligations under 10 NYCRR 405.9(h)(1), they test patients for COVID-19 prior to discharge to any congregate care setting, including but not limited to nursing homes and adult care facilities and sharing such results with the accepting facility. This will allow the accepting facility to implement its infection control policies and procedures as appropriate. Discharge policies and procedures should incorporate such testing requirements, and discharge planning should include sharing of test results with the accepting facility prior to discharge. All facilities should also continue to adhere to all relevant DOH and Centers for Disease Control and Prevention (CDC) guidance, including "[Discontinuation of Transmission-Based Precautions and Disposition of Patients with SARS-CoV-2 Infection in Healthcare Settings](#)," updated June 2, 2021.

Hospitals that fail to disclose a positive COVID-19 test to the accepting facility, or which fail to disclose whether the patient is still on Transmission-Based Precautions, may be cited for violation of discharge obligations and referred for enforcement.

Please forward any questions regarding this advisory to hospinfo@health.ny.gov.

Sincerely,

Stephanie Shulman, DrPH, MS
Director, Division of Hospitals and Diagnostic &
Treatment Centers