



# Department of Health

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Commissioner

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Acting Executive Deputy Commissioner

April 5, 2022

DAL NH 22-13  
COVID-19 Vaccination and Booster Doses

Dear Nursing Home Administrator:

The purpose of this letter is to alert nursing home providers that the NYS Department of Health (Department) has identified an increase in COVID-19 cases amongst nursing home residents and staff and the need to remain vigilant with maintaining infection prevention and control measures (screening, environmental cleaning, masking, etc.) is critical to ensuring the highest level of health and safety. Nursing homes are reminded that the requirement that personnel in covered entities be fully vaccinated against COVID-19 remains in effect pursuant to [10 NYCRR 2.61](#). This regulation applies to healthcare facilities licensed under Article 28 of the Public Health Law (including nursing homes and adult day healthcare programs); agencies and programs licensed under Article 36 of the Public Health Law and hospices licensed under Article 40 of the Public Health Law; in addition to assisted living or adult care facilities regulated by the Department under the Social Services Law.

Specifically, Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) Subpart 66-4.1, requires

- Every nursing home regulated pursuant to Part 415 of this Title to offer all consenting, unvaccinated existing personnel and residents an opportunity to receive the first or any recommended next or booster dose of the COVID-19 vaccine.
- The operator and administrator of every nursing home to ensure that all new personnel, including employees and contract staff, and every new resident and resident readmitted to the facility has an opportunity to receive the first or any recommended next or booster dose of the COVID-19 vaccine within fourteen days of having been hired by or admitted or readmitted to such facility, as applicable. Please be reminded to document eligibility status.
- Posting conspicuous signage throughout the facility, including at points of entry and exit and each residential hallway, reminding personnel and residents that the facility offers COVID-19 vaccination; and
- Providing all personnel and residents who decline to be vaccinated a written affirmation for their signature, which indicates that they were offered the opportunity for a COVID-19 vaccination but declined. Such affirmation must state that the signatory is aware that, if they later decide to be vaccinated for COVID-19, it is their responsibility to request vaccination from the facility.

Recent HERDS data collected from nursing homes indicate that approximately 40% of nursing home staff and 25% of nursing home residents have not yet received an initial booster shot. As a result, we strongly encourage ongoing outreach to residents and staff as boosters continue to be one of the best defenses against COVID-19 illness and severe outcomes. Lastly, facilities are reminded of the revised testing requirements for staff found here [DAL NH 22-09 Updated Nursing Home Visitation and Staff Requirements](#).

Nursing homes are reminded that the New York State Department of Health continues to share CDC's recommendation **that all eligible individuals, get fully vaccinated and receive an initial COVID-19 booster when eligible.** For those eligible, a first booster dose is safe and continues to provide strong protection against severe outcomes. In addition, nursing homes, consistent with regulations, should be continually reviewing the vaccination status of all residents and staff and should offer and administer second booster doses for eligible nursing home residents and staff willing to receive the vaccination. Please refer to the Updated Guidance for The New York State COVID-19 Vaccination Program for Individuals 12 Years of Age or Older issued on April 1, 2022 and located at <https://coronavirus.health.ny.gov/covid-19-vaccine-information-providers-for-the-most-up-to-date-information-on-vaccine-eligibility-and-considerations>.

Thank you for your ongoing commitment to keep residents protected and safe. All questions regarding this correspondence should be forwarded to [covidnursinghomeinfo@health.ny.gov](mailto:covidnursinghomeinfo@health.ny.gov).

Sincerely,

Sheila McGarvey, Director  
Division of Nursing Homes & ICF/IID Surveillance  
Center for Health Care Provider Services and  
Oversight