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**Welcome Nursing Facility Providers!**

**COVID-19 Updates and Q&A with LTCR  
and DSHS  
September 30, 2020**

For more information:

Web: <https://hhs.texas.gov/services/health/coronavirus-covid-19/coronavirus-covid-19-provider-information>

Email: [PolicyRulesTraining@hhsc.state.tx.us](mailto:PolicyRulesTraining@hhsc.state.tx.us)

Phone: 512-438-3161

# COVID-19 Q&A

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## Panelist

Catherine Anglin  
NF, ICF & LSC Policy and Rule Manager  
Policy, Rules and Training  
Long-term Care Regulation

- Introduction and overview
- Reminders and updates



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# Agenda

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- Introduction and overview
- Reminders and updates
- Expanded Reopening Visitation Rules Q&A
- Testing Q&A
- Live Q&A



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# Reminder

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## Sign-up for Gov Delivery

### To sign-up for Alerts:

- Go to:  
<https://service.govdelivery.com/accounts/TXHHSC/subscriber/new>
- Enter your email address.
- Confirm your email address, select your delivery preference, and submit a password if you want one.
- Select your topics.
- When done click "Submit."



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# CMS/CDC NF COVID-19 Training

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CMS is offering free online training for nursing facilities related to COVID-19

[Click here](#) to view currently available pre-recorded trainings.

Facilities also have access to the [CMS Targeted COVID-19 Training for Frontline Nursing Home Staff and Management](#)

Bi-weekly Live Q&As will be held Thursdays at 4pm E.T. (3pm Central) starting August 27<sup>th</sup>.

[Register Here](#) for future Q&A webinars.



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# Visitation Resources

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The following resources are available on the [Nursing Facility Provider Portal](#)

- [Expanded Reopening Visitation Rules](#)
  - Under “COVID-19 Resources”
- [Provider Letter 20-38](#)
  - Click on “Provider Communications”
- Visitation FAQ coming soon
  - Will be under “COVID-19 Resources” and sent out through GovDelivery Alert



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# Visitation Webinar

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## Overview of COVID-19 NF Visitation Rules Webinar

The purpose of this webinar is to provide an overview of the visitation rules and to discuss practical implementation of them in NF's.

October 2<sup>nd</sup>  
1:00pm – 2:30pm

[Register here](#)

Can also be located on the NF Provider Portal under "News & Alerts"



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# PASRR Webinar

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New emergency rule for local authorities to conduct PEs & resident reviews, for a limited time, by telephone or videoconferencing was adopted Sept. 17<sup>th</sup>

PASRR Training Webinar **tomorrow**, Oct 1st at 2:00pm

**Register here:**

<https://www.simpleltc.com/long-term-care-training/>

HHSC has published [IL 20-41 PASRR Evaluations Using Telephone or Videoconferencing Interviews](#)



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# Reminder Q&A

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## Question

Do facilities have to treat COVID-19 waste as biohazard and use biohazard containers (red bags)?

## Answer

No. Medical waste (trash) coming from NFs treating residents with COVID-19 is no different than waste coming from NFs without COVID-19.

The [CDC's guidance](#) states that management of medical waste should be performed in accordance with routine procedures. There is no evidence to suggest that facility waste needs any additional disinfection. *(Cont. on next page)*

More environmental infection control guidance is available in section 7 of the CDC's [Interim Infection Prevention and Control Recommendations](#).



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# CMS County COVID-19 Positivity Rates

Per CMS guidance, NFs using CMS-issued county positivity rates should use the color coding to determine their county positivity rate and how frequently they should test staff (routine testing), even if the numerical value doesn't seem to match the color code.



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Community COVID-19 Activity	County Positivity Rate in the past week	Minimum Testing Frequency
Low	<5%	Once a month <b>green</b>
Medium	5% -10%	Once a week* <b>yellow</b>
High	>10%	Twice a week* <b>red</b>

# COVID-19 Q&A

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## Panelist

Michelle Dionne-Vahalik, DNP, RN  
Associate Commissioner  
Long-term Care Regulation



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# COVID-19 Q&A

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## Panelist

Renee Blanch-Haley, BSN, RN  
Director of Survey Operations  
Long-term Care Regulation



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# COVID-19 Q&A

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## Panelist

Valerie Krueger, PASRR Specialist  
Mental Health PASRR  
IDD Program Services, IDD-BH



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# State Long-Term Care Ombudsman Program

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Statewide phone: 800-252-2412

Statewide email:

[ltc.ombudsman@hhsc.state.tx.us](mailto:ltc.ombudsman@hhsc.state.tx.us)

State Ombudsman: Patty Ducayet,  
737-704-9075 (or)

[patty.ducayet@hhsc.state.tx.us](mailto:patty.ducayet@hhsc.state.tx.us)



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Weekly Facebook Live Q&A for Families of LTC  
Residents: Every Wednesday, 12:15 to 12:45

<https://www.facebook.com/texasltcombudsman?ref-ts>

# COVID-19 Q&A

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## Panelist

Susan Purcell, BS, RN, CPHQ

Project Director/Regional Task Lead –  
Nursing Home Quality Improvement

TMF Health Quality Institute, the CMS-designated Quality Improvement Network – Quality Improvement Organization (QIN-QIO) for Texas, Arkansas, Mississippi, Nebraska, Puerto Rico, and US Virgin Islands

Email [nhnetwork@tmf.org](mailto:nhnetwork@tmf.org) to submit requests for assistance with NHSN reporting problems.



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# COVID-19 Q&A

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## Panelist

Catherine Anglin  
NF, ICF & LSC Policy and Rule Manager  
Policy, Rules and Training  
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- Expanded Reopening Visitation Rules Q&A
- Testing Q&A



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# COVID-19 Visitation Q&A

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## Overview

- Overview/general questions
- Screening
- Essential Caregiver Visits
- Facemasks, Face Coverings, & PPE
- Testing
- Salon Service Visits



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# Visitation Q&A - Overview

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## Question:

Am I required to permit visitation or is it voluntary? What types of visits require a NF to apply for visitation designation?

## Answer:

NFs are required to permit visitation in accordance with the expanded visitation rules and CMS guidance. There are eight different types of visitation required by the expanded visitation rules; some of the visitation types require a NF to receive approval (visitation designation) from HHSC, while others do not require approval from HHSC. *(Cont. on next slide)*



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# Visitation Q&A - Overview

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## Answer (cont.):

The expanded visitation rules define each visit type and detail the specific requirements for each visit type.

Visitation types that do not require visitation designation:

- closed window visits, for all residents
- end-of-life-visits, for all residents at end-of-life
- essential caregiver visits, for all residents who have COVID-19 negative or unknown COVID-19 status
- salon services visits, for all residents who have COVID-19 negative status



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# Visitation Q&A - Overview

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## Answer (cont.):

Visitation types that do require visitation designation:

- open window visits, for all residents who have COVID-19 negative status
- outdoor visits, for all residents who have COVID-19 negative status
- indoor visits with a plexiglass barrier, for all residents who have COVID-19 negative status
- vehicle parades; for all residents who have COVID-19 negative status



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# Visitation Q&A - Overview

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## Answer (cont.):

Note: NFs must submit LTCR Form 2194 by October 9th and permit all types of visitation in accordance with the expanded visitation rules, upon approval from HHSC.

NFs with previous 2192 approval that hasn't been cancelled, rescinded or withdrawn do not have to submit a new 2194, but must submit the required documentation for indoor visits with a plexiglass barrier.

See [PL 20-38](#), 40 TAC §[19.2803](#) and [QSO 20-39](#) for details.



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# Visitation Q&A - Overview

## Answer (cont.):

### LTCR FORM 2194: Expansion of Reopening Visitation Status Attestation Form for ALF, ICF, and NF

#### SECTION 1: FOR ALL FACILITIES (ALF, ICF, NF)

*Instructions: Submit Form 2194 to your Regional Director to request designation as a visitation facility. You must wait for approval prior to implementing new expansion of reopening visitation protocols.*

<https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers>

Facility Type:	<input type="checkbox"/> ALF Complete sections 1 & 2 of this form.	<input type="checkbox"/> ICF Complete sections 1 & 2 of this form.	<input type="checkbox"/> NF Complete sections 1 & 3 of this form.
Facility Name:		Facility #/ID#:	
Contact Name:		Contact #:	
Contact's Email:			
Address:			

What type of visitation are you requesting?

Indoor plexiglass booth visitation only

Outdoor visitation only

Indoor plexiglass booth and outdoor visitation

Must select indoor and outdoor option if filling out Section 3A



**3A**



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# Visitation Q&A - Overview

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## Answer (cont.):

~~SECTION 2: FOR ALF and ICF ONLY~~

**SECTION 3: FOR NF ONLY**

**SECTION 3A: For NFs that meet visitation designation criteria.**  
*I hereby attest that:*

**SECTION 3B: For NFs that DO NOT meet visitation designation criteria.**  
*I hereby attest that:*

**SECTION 3C. Signature and HHSC Review.**  
Name and title of NF administrator providing attestation:|



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# Visitation Q&A - Overview

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## Answer (cont.):

A NF filling out Section 3A must include:

- Facility map with COVID-19 cohort areas indicated
- Picture of plexiglass barrier, including its location in the facility

A NF filling out Section 3B must include:

- Facility map with COVID-19 cohort areas indicated
- A plan to meet the visitation designation criteria—submit within 5 days of submitting completed 2194



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# Visitation Q&A - Overview

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## Question:

I can't find the attestation form to request visitation designation. How can I get a copy of the form?

## Answer:

The attestation form, LTCR form 2194, is attached to provider letter 20-38. You can find all NF provider letters on the [NF provider portal](#), located under the "communications" section.

See [PL 20-38](#) for details.



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# Visitation Q&A - Overview

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## Question:

How should I submit LTCR form 2194 to the regional director? Is it okay to fax or mail the form?

## Answer:

You should email the completed form to the [Regional Director](#) for the [region in which your facility is located](#). You should not fax or mail the completed form, as it could delay receipt of the form. Most HHSC regional staff are currently teleworking and might not be in the office to receive a faxed or mailed form.



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# Visitation Q&A - Overview

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## Question:

After a NF submits LTCR form 2194 to the regional director, how soon will the NF be notified of a decision? How will HHSC notify the NF?

## Answer:

HHSC will notify the NF of approval or denial within three days of the NF submitting a complete LTCR form 2194 (attestation form). The regional director or their designee will notify the NF administrator via email.



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# Visitation Q&A - Overview

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## Question:

Can a NF implement only portions of the expanded visitation? For instance, may a facility only allow general visitation and not essential caregivers?

## Answer:

No, a NF may not limit the types of visitation they permit and must allow all types of visitation in accordance with the expanded visitation rules. (Cont. on next slide).



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# Visitation Q&A - Overview

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## Answer (Cont.):

The only exception is a NF located in a county with a positivity rate greater than 10 percent, which must limit visitation to outdoor visits, closed window visits, end-of-life visits, and essential caregiver visits as defined by this expanded visitation rules and must not permit indoor visits with a plexiglass barrier.



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# Visitation Q&A - Overview

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## Question:

How often does a NF need to check the county positivity rate and make visitation modifications if needed?

## Answer:

While neither the expanded visitation rule nor CMS guidance about visitation specifies a frequency, we strongly encourage NF providers to check at least every other week, just as they do for CMS routine testing requirement, or more frequently if they feel it is necessary.



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# Visitation Q&A - Overview

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## Question:

Are visits permitted at NFs in “hotspots” where the hospitalization rate is high?

## Answer:

Yes, Per Governor Abbott’s executive order, [GA-30](#), “People may visit nursing homes, as determined through guidance from HHSC. Nursing homes, should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.”

*(Cont. on next slide)*



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# Visitation Q&A - Overview

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## Answer (Cont.):

The NF expanded visitation rules do place some visitation restrictions based on the county positivity rate, but do not speak to hospitalization rates. GA-30 restricts some business from further reopening and operating at up to 75 percent capacity, but LTC facilities are not included in those types of businesses.



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# Visitation Q&A - Overview

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## Question:

Do I have to be approved for Phase 1 visitation before I can be approved for expanded visitation?

## Answer:

No, a NF is not required to be approved for Phase 1 visitation before applying for expanded visitation approval. The expanded visitation rules replace Phase 1 visitation rules, meaning the Phase 1 visitation rules are no longer in effect.



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# Visitation Q&A - Overview

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## Question:

Do NFs have to be approved for visitation designation for persons deemed as essential caregivers?

## Answer:

No, a NF does not have to be approved for visitation designation to permit essential caregiver visits. Rather, a NF must permit essential caregiver visits under the following conditions: *(Cont. on next slide)*



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# Visitation Q&A - Overview

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## Answer (Cont.):

- the essential caregiver passed the screening, does not have an active COVID-19 infection, sign or symptoms of COVID-19, or a positive COVID-19 test result within the last 10 days;
- the essential caregiver is not visiting a resident who has COVID-19 positive status;
- the essential caregiver provides documentation of a negative COVID-19 test result from within the last 14 days and follows the testing strategy developed by the NF;



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# Visitation Q&A - Overview

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## Answer (Cont.):

- the NF has developed and implemented essential caregiver visitation policies in accordance with the expanded visitation rules;
- the essential caregiver has provided written agreement to follow the visitation policies;
- the essential caregiver has been trained by the NF on infection control and visitation policies and procedures;
- the NF has approved or provided the essential caregiver's facemask and any other appropriate PPE;



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# Visitation Q&A - Overview

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## Answer (Cont.):

- the essential caregiver wears the facemask and any other appropriate PPE the entire time they are in the facility; and
- the essential caregiver maintains physical distance from all other residents and staff in the facility



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# Expansion of Reopening Visitation Q&A

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## Question

CMS [QSO 20-39](#) states that compassionate care types of visits include more than end-of-life visits, do the new rules allow these types of visits?

## Answer

Yes, while the rule does not specifically use the term compassionate care visits, visits in situations described by CMS as “compassionate care” are permitted. The new visitation rules allow essential caregiver visits, and other types of visits, that permit visitation in the compassionate care situations described in the CMS guidance.



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# Visitation Q&A - Overview

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## Question:

Under the emergency rules, can nursing facilities participate in expansion of reopening visitation if they are currently admitting COVID-19 positive residents and do not have an outbreak?

## Answer:

Yes, the expanded visitation rules offer more flexibility for visitation by specifically permitting a NF to obtain visitation designation for a COVID-19 negative area, unit, wing, hall or building, and requiring NFs to maintain separate cohort areas with separate dedicated staff.



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# Visitation Q&A - Overview

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## Question:

If a facility has an outbreak, one resident has a facility-acquired COVID-19 infection, can that resident be in isolation, and the facility continue to have visitation for anyone other than residents who are COVID-19 positive?

## Answer:

It depends on where the resident was living when they acquired the facility-acquired infection. If the resident was in a COVID-19 negative cohort area when they acquired the facility-acquired infection, a NF must cancel the types of visitation that require a designation (*Cont. on next slide*)



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# Visitation Q&A - Overview

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## Answer (Cont.):

(open window, vehicle parades, outdoor visits, and indoor visits with a plexiglass barrier) until the area, unit, wing, hall, or building meets the criteria described in subsection (g) of the expanded visitation rule. During that time, the NF must continue to permit the types of visitation that do not require a designation (end-of-life, essential caregiver and closed window visits).

If the facility-acquired infection occurred in a resident in a COVID-19 positive or unknown COVID-19 status cohort, the NF does not have to cancel the types of visitation that require a designation.



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# Visitation Q&A - Overview

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## **Question:**

Can facilities designate the days and length of visits?

## **Answer:**

Yes, a NF must limit the number of visitors per resident per week, and the length of time per visit, to ensure equal access by all residents to visitors.

Visits must be scheduled in advance and are by appointment only. Visitation appointments must be scheduled to allow time for cleaning and sanitization of the visitation area between visits.



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# Visitation Q&A - Overview

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## Question:

For indoor visitation with a plexiglass barrier, could the barrier be a moveable screen that is properly sanitized between visitors and moved room to room? Or is one designated public space or privacy in-room visits, if single occupancy, preferred?

## Answer:

The expanded visitation rules do not require an indoor visit with a plexiglass barrier to be accommodated in a specific location. (*Cont. on next slide*)



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# Visitation Q&A - Overview

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## Answer (Cont.):

An indoor visit with a plexiglass barrier is a personal visit between a resident and one or more personal visitors, during which the resident and the visitor are both inside the facility but separated by a plexiglass barrier and the resident remains on one side of the barrier and the visitor remains on the opposite side of the barrier.

A NF may choose to operationalize the visit in a way that works best for the residents, visitors and facility, while ensuring the core principles of COVID-19 infection prevention are followed.



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# Visitation Q&A - Overview

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## Question:

Is staff supervision required for inside or outside visitation?

## Answer:

Yes, staff supervision is required for all outdoor visits and all indoor visits with a plexiglass barrier. Staff supervision is not required for end-of-life, essential caregiver or salon services visits. The intent of the supervision is to ensure residents and visitors are following the applicable requirements in the expanded visitation rules.



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# Visitation Q&A - Overview

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## Question:

Should hospice workers be allowed to enter nursing facilities? Are they considered visitors?

## Answer:

Per the HHSC emergency rule in 40 TAC §19.2801(b)(1), hospice workers are considered providers of essential services and can be permitted to enter NFs if they pass screening. However, NFs must decide on a case-by-case basis if a hospice worker is providing critical services, which would be based on the specific circumstances of the visit. *(Cont. on next slide)*



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# Visitation Q&A - Overview

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## Answer (Cont.):

For example, a hospice worker providing assistance with ADLs or bathing may not be considered essential or critical, while providing pain management at end-of-life might be. If a facility chooses to not permit a hospice worker into the facility to perform non-critical services, the facility must provide those services instead. The decision, reasoning, and arrangement for providing these services must be documented.

See 40 TAC §[19.2803](#) for more details.



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# Visitation Q&A - Screening

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## Question:

The expanded visitation rules at 40 TAC §19.2803(d)(5) states that a visitor who has a positive COVID-19 test result from a test performed in the last 10 days must leave the nursing facility campus and reschedule the visit.

Does this mean that a NF must require a person to have been tested within the last 10 days, or is it expected to be an exclusion to entry only when a person has a positive test result?



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# Visitation Q&A - Screening

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## Answer:

No, it does not mean they are required to be tested. It means the person being screened should be asked if they have had a positive test result within the last 10 days. If the person being screened had a positive test result within the last 10 days, the NF must not permit them to enter the facility.



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# Visitation Q&A – Essential Caregivers

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## Question:

Is a nursing facility required to have 14 days without any positive COVID cases before essential visitors can begin visits?

## Answer:

No, a facility is not required to have 14 days without any positive cases. The essential caregiver visit is based on the COVID-19 status of the resident, not the COVID-19 status of the facility.



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# Visitation Q&A – Essential Caregivers

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## Question:

Can a resident or their representative change their designated essential caregiver?

## Answer:

Yes, the resident or their representative may change their designated essential caregivers. A “permanently” designated caregiver means the designation remains until it is altered.

*Note: a designated caregiver does not have to be the legally authorized representative or person with power of attorney.*



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# Visitation Q&A – Essential Caregivers

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## **Question:**

Is there a specific kind of test that is needed for the essential caregiver? Antibody, PCR, antigen?

## **Answer:**

Yes, an antibody test is not an acceptable test, but either a PCR or antigen test is acceptable.



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# Visitation Q&A – Essential Caregivers

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## Question:

How frequently are essential caregivers required to be tested for COVID-19 Who is responsible for providing the test?

## Answer:

An essential caregiver must have a negative COVID-19 test result from a test performed no more than 14 days before the first essential caregiver visit, unless the nursing facility chooses to perform a rapid test prior to entry in the nursing facility,

Additionally, a NF must include a testing strategy as part of their policies and procedures related to essential caregiver visits.



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# Visitation Q&A – Essential Caregivers

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## Question:

If an essential caregiver takes a resident to a medical appointment, will the resident's COVID-19 status change?

## Answer:

No, the resident's COVID-19 status would not change. However, the essential caregiver must:

- receive training from the NF on the infection prevention and control procedures and the NF's essential caregiver policies and procedures

*(Cont. on next slide)*



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# Visitation Q&A – Essential Caregivers

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## Answer (Cont.):

- follow all of the infection prevention and control procedures and the NF's essential caregiver policies and procedures
- ensure the resident follows all applicable infection prevention and control procedures and the NF's essential caregiver policies and procedures
- notify the NF if there was reason to believe the resident has been exposed to someone with COVID-19



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# Visitation Q&A – Essential Caregivers

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## Question:

What steps should we take if an essential caregiver was in the facility for visitation and then tests positive for COVID-19? Is it considered an outbreak for purposes of CMS-mandated testing or having to cancel visits under the expanded visitation rules?

## Answer:

The essential caregiver may not visit while they have signs and symptoms of COVID-19, active COVID-19 infection, or other communicable diseases. The person they were visiting must be quarantined for 14 days and monitored for signs and symptoms of COVID-19. *(Cont. on next slide)*



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# Visitation Q&A – Essential Caregivers

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## Answer (Cont.):

Since the essential caregiver is not considered an employee or a resident, a positive test for COVID-19 is not considered an outbreak. The essential caregiver rules require the essential caregiver to not have contact with other individuals or staff. However, if the NF has concerns there was contact with other residents or staff, the NF should follow facility policy and CDC guidance.

Note: an outbreak is defined as one or more laboratory confirmed cases of COVID-19 identified in NF staff, or one or more laboratory confirmed facility-acquired cases of COVID-19 identified in a resident.



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# Visitation Q&A – Essential Caregivers

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## **Question:**

Where can an essential caregiver visit occur?

## **Answer:**

The visit may occur in the resident's bedroom, outdoors or any other designated visitation area on the NF campus that limits visitor movement through the facility and interaction with other residents.



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# Visitation Q&A – Essential Caregivers

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## Question:

What PPE is required for the essential caregiver? If they have a cloth covering, should we supply them with a facemask?

## Answer:

Per the expanded visitation rules, essential caregivers must “wear a facemask over both the mouth and nose and any other appropriate PPE recommended by CDC guidance and the facility’s policy while in the facility.” In addition, a facility must approve the visitor’s facemask and any other appropriate PPE or provide an approved facemask and other appropriate PPE. *(Cont. on next slide)*



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# Visitation Q&A – Essential Caregivers

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## Answer (Cont.):

- An essential caregiver visiting a resident with COVID-19 negative status is required to wear facemask.
- An essential caregiver visiting a resident with unknown COVID-19 status is required to wear facemask, gown, gloves, and goggles or a face shield per CDC recommendations and facility policy.



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# Visitation Q&A – Essential Caregivers

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## Question:

What accommodations should be made for residents who share a bedroom with a roommate?

## Answer:

If a resident shares a bedroom with another resident, the essential caregiver visit can still occur in a resident's bedroom. However, a resident still has the right to privacy during visitation. If there are concerns with the visit occurring while the roommate is present, then the essential caregiver visit should be accommodated in a designated visitation area.



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# Visitation Q&A – Facemasks & PPE

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## Question:

Does a resident have to wear a facemask during the visit?

## Answer:

If tolerated, a resident must wear a facemask or face covering over both the mouth and nose throughout the visit.



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# Visitation Q&A – Facemasks & PPE

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## Question:

Who is responsible for providing PPE to visitors?

## Answer:

The visitor is responsible for providing their own facemask or face covering. A NF may choose to provide a facemask to visitors. Additionally, a NF must approve an essential caregiver or salon services visitor's facemask and any other appropriate PPE or provide an approved facemask and other appropriate PPE.



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# Visitation Q&A – Testing

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## Question:

Is a NF responsible for testing and paying for the test for the essential caregivers?

## Answer:

No, a NF is not required to pay for or provide a COVID-19 test for essential caregivers. A NF may either request that essential caregiver obtain the test themselves, or they may provide the test. A NF should inform the essential caregiver of the available options and allow them to choose the option that works best for them.



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# Visitation Q&A – Testing

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## Question:

The state visitation rules indicate that an essential caregiver must provide documentation of a negative COVID-19 test result from a test performed no more than 14 days before the first essential caregiver visit, but CMS says the test result must be within two to three days before the visit. How can I comply with both requirements?



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# Visitation Q&A – Testing

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## Answer:

CMS recommends, but does not require visitors be tested prior to a visit. The CMS guidance specifically states: “Facilities may also encourage visitors to be tested on their own prior to coming to the facility (e.g., within 2–3 days) with proof of negative test results and date of test.”

If a visitor provides documentation of a negative test result from a test performed two to three days before a visit, it is acceptable and meets the state requirement because 2 or 3 days is less than 14 days and the state requirement is no more than 14 days.



**TEXAS**  
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# Visitation Q&A – Testing

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## Question:

Can a facility refuse access by a long-term care ombudsman if the ombudsman does not submit proof of a negative test or submit to a test by the facility?

## Answer:

No, a NF must not refuse entry to the ombudsman unless they do not pass the screening. A NF may not require an ombudsman to submit proof of a negative test or submit to a test by the facility. Per state rule at 40 TAC §19.2801(b)(2), an ombudsman is a person with a legal authority to enter. *(Cont. on next slide)*



TEXAS  
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# Visitation Q&A – Testing

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## **Answer (Cont.):**

As such, the ombudsman is not considered facility staff or a person entering the facility for a personal visit, but are considered a person performing the duties of their job with a legal authority to enter the facility.



**TEXAS**  
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# Visitation Q&A – Salon Services Visits

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## **Question:**

Are salon services visits required?

## **Answer:**

No, salon services visits are not required; they are voluntary. However, a NF must still provide care and services for activities of daily living, such as hygiene, which includes bathing, dressing and grooming.

See CMS SOM [Appendix PP](#), F676 for more details.



**TEXAS**  
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# Testing Q&A – General

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## Question:

What does a provider do if an employee refuses testing? Does the employee get sent home for 14 days?

## Answer:

A NF must develop policies and procedures for staff refusal of routine testing, outbreak testing and testing because the person has signs or symptoms of COVID-19.

Procedures should ensure that staff who have signs or symptoms of COVID-19 and refuse testing are prohibited from entering the building until the return to work criteria are met. *(Cont. on next slide)*



TEXAS  
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Services

# Testing Q&A – General

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## Answer (Cont.):

If outbreak testing has been triggered and a staff member refuses testing, the staff member should be restricted from the building until the procedures for outbreak testing have been completed.

A NF should consult their human resources and legal departments for guidance on staff refusal of routine testing. A NF's policies about an employee's individual position regarding testing should be based on the employee's reasons for declination and the facilities' policy on hiring and refusal.



**TEXAS**  
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# Testing Q&A – General

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## Answer (Cont.):

Per DSHS, there is no public health basis for quarantine of an individual who has not been exposed. Sending someone home for 14 days provides no greater assurance of remaining COVID-19 free than someone who was tested and then works for 14 days. However, a NF must take precautions to ensure the health and safety of the residents and other employees is not adversely affected by the employee's refusal of routine testing.



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# Thank you!

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For more information:

Web: <https://hhs.texas.gov/services/health/coronavirus-covid-19/coronavirus-covid-19-provider-information>

Email: PolicyRulesTraining@hhsc.state.tx.us

Phone: 512-438-3161