



Expanded Visitation in Texas Nursing Homes

Effective September 24, 2020, the Texas Health and Human Services Commission (HHSC) is expanding opportunities for families and loved ones to visit residents in Texas long-term care facilities, while ensuring that all health and safety precautions are followed to prevent the spread of COVID-19 in these facilities. On September 17, 2020, the Centers for Medicare & Medicaid Services (CMS) published updated nursing facility visitation guidance outlined in QSO-20-39-NH.

Below is a table that illustrates how the expanded visitation rules issued by HHSC align with recent guidance issued by CMS.

Visitation Rule	CMS Nursing Facility Visitation Guidance	Texas Expanded Visitation Rule
Mandatory Visitation	Visitation is mandatory.	Visitation is specifically required by rule. Rules require nursing facilities to implement infection control safeguards to protect residents and visitors during visitation. Nursing facilities must: <ul style="list-style-type: none">● request visitation designation by October 9th to allow general visitation (PL 20-38)● HHSC notifies facility of approval or denial within three days of receiving request● allow general visitation once approved by HHSC● allow visitation that does not require general visitation designation (essential caregiver, end-of life, closed window visitation, and salon services visitation) as soon as possible

Visitation Rule	CMS Nursing Facility Visitation Guidance	Texas Expanded Visitation Rule
<p>Indoor Visitation</p>	<p>Mandatory for facilities that meet the following criteria:</p> <ul style="list-style-type: none"> ● No new onset cases of COVID-19 in previous 14 days ● Visitors are able to adhere to core infection control principals ● Staff are available to monitor visitation for visitors who may have difficulty adhering to infection control principals <p>Facilities should limit the number of visitors and schedule visits for a specified length of time to help ensure all residents are able to receive visitors.</p> <p>The risk of transmission can be further reduced through the use of physical barriers (e.g., clear Plexiglas booths, barriers)</p> <p>Facilities should use their county's COVID-19 positivity rate to determine how to facilitate indoor visitation.</p>	<p>Mandatory for facilities (for COVID-19 negative residents) that meet the following criteria:</p> <ul style="list-style-type: none"> ● No new onset cases of COVID-19 in previous 14 days in established COVID-19 negative area/unit ● Have separate, dedicated staff for each COVID-19 status (COVID-19 positive, COVID-19 negative, and unknown COVID-19 status) ● Visits monitored by staff to ensure proper physical distances and infection control ● Create a plexiglass barrier for visitation area <p>Facilities can also use open window visits. All the same requirements apply except the plexiglass barrier.</p> <p>Visitation must be scheduled in advance and are by appointment only. Facilities must allow time for proper cleaning and sanitization of visitation areas between visits.</p> <p>Visitation in counties with a greater than 10% COVID-19 positivity rate cannot allow indoor visitation with a plexiglass barrier or open window visits.</p>
<p>Outdoor Visitation</p>	<ul style="list-style-type: none"> ● Mandatory for facilities. ● Facilities must provide an easily accessible, comfortable space for visitation. ● Facilities should limit number of visitors and schedule visits for a specified length of time to help ensure all residents are able to receive visitors. ● Outdoor visitation is preferred over indoor visitation. 	<ul style="list-style-type: none"> ● Mandatory for facilities (for COVID-19 negative residents) that meet the same criteria listed for indoor visitation (but doesn't require a plexiglass barrier). ● Facilities must provide an easily accessible, comfortable space for visitation. ● Visitation must be scheduled in advance and are by appointments only. Facilities must allow time for property cleaning and sanitization of visitation areas between visits. ● Physical distancing between a resident and visitor must be maintained. <p>Facilities also can use closed window visits, which are allowed for all nursing facilities, regardless of any other requirements, and for all residents, regardless of COVID-19 status.</p>

Visitation Rule	CMS Nursing Facility Visitation Guidance	Texas Expanded Visitation Rule
<p>Essential Caregiver / “Compassionate Care” situations</p>	<ul style="list-style-type: none"> ● Compassionate care visits must be allowed for residents experiencing physical and psychosocial difficulties. ● Visits can be from family or any individual that can meet the resident’s needs. ● Visits should be conducted using physical distancing; however, if it can be done in a way that allows for personal contact, it should be done following all appropriate guidelines. 	<ul style="list-style-type: none"> ● Texas is allowing essential caregiver visitation in all nursing facilities regardless of whether the facility meets the requirements for other types of general visitation, and even if the facility is in a county with a COVID-19 positivity rate higher than 10 percent. ● Essential caregiver visits are allowed for the “compassionate care” situations CMS describes. While Texas’s expanded visitation rules don’t use the words “compassionate care” specifically, the intent of essential caregiver visitation is to allow these kinds of visits. ● Each resident can designate two essential caregiver visitors. An essential caregiver visitor provides emotional support, socialization, or other types of support and care as residents continue to adjust to the COVID-19 pandemic ● Essential caregiver visitors are not required to maintain physical distancing. Facilities must train caregivers on personal protective equipment (PPE) usage and infection control per CDC guidance and facility policy. Essential caregiver visitors are also required to follow certain testing requirements and must have a written agreement with the facility to follow all necessary infection control. <p>Texas is also allowing salon services visitation to residents. Salon services visitors are not required to adhere to physical distances and consequently must receive the same training as essential caregiver visitors. Barbers and beauticians also must follow certain testing requirements and must have a written agreement with the facility to follow all necessary infection control procedures.</p>

Visitation Rule	CMS Nursing Facility Visitation Guidance	Texas Expanded Visitation Rule
Core Principals of COVID-19 Infection Prevention and Control	Screening for signs and symptoms is required for all individuals who enter the facility (except EMS personnel entering in an emergency).	All persons entering the facility, including staff and visitors, must be screened for signs and symptoms of COVID-19, except EMS personnel entering in an emergency.
	Hand hygiene and facemask or face covering (covering mouth and nose) should be adhered to at all times.	Visitors and residents must perform proper hand hygiene. Visitors must wear a facemask or face covering (covering mouth and nose) the entire time they are in the facility, including outdoors. Residents must wear a face covering, such as a cloth facemask, for the entire visit if tolerated.
	Physical distancing of at least 6 feet between persons is required.	Physical distancing is required for all visitors except between essential caregiver visitors and the resident they're caring for, and between salon services visitors and the resident they are providing services for. essential caregiver visitors and salon services visitors are consequently required to meet certain training and testing requirements by rule.
	Instructional signage throughout the facility and proper visitor education on COVID-19 signs and symptoms, infection control precautions, other applicable facility ???	Instructional signage throughout the facility and proper visitor education on COVID-19 signs and symptoms, infection control precautions, are required by expanded visitation rules
	Cleaning and disinfecting high frequency touched surfaces in the facility often, and designated visitation areas after each visit	Cleaning and disinfecting high frequency touched surfaces in the facility often, and designated visitation areas after each visit are required by expanded visitation rules
	Appropriate staff use of PPE	Appropriate staff use of PPE is specifically required by Texas' COVID-19 mitigation rules
	Effective cohorting of residents (e.g., separate areas dedicated to COVID-19 care)	Effective cohorting of residents is required by expanded visitation rules and COVID-19 mitigation rules
	Resident and staff testing conducted as required at 42 CFR 483.80(h) (see QSO-20-38-NH)	Resident and staff testing conducted as required at 42 CFR 483.80(h) is specifically required by rule, including all licensed-only nursing facilities

Visitation Rule	CMS Nursing Facility Visitation Guidance	Texas Expanded Visitation Rule
Person-centered approach	Visitation should be person-centered.	A variety of visitation options are provided that will allow a person-centered approach to visitation, including options that don't require the facility to have visitation designation.
Resident Privacy	Nursing facilities should enable visits to be conducted with an adequate degree of privacy.	Visitation is allowed in resident bedroom for essential caregiver visitors or other designated COVID-free areas to ensure privacy.
Visitors' Adherence to Infection Prevention Core Principles	Visitors who are unable to adhere to the core principles of COVID-19 infection prevention should not be allowed to visit or should be asked to leave.	Required by expanded visitation rules. Essential caregiver visitors and salon services visitors are required to have a written agreement. Facilities can cancel visitation for essential caregiver visitors and salon services visitors that fail to adhere to written agreement, and for other visitation types that don't require a written agreement.
Visitor Testing	Not required but encouraged, specifically for those who visit regularly or in facilities with high COVID-19 positivity rates	Essential caregiver visitor testing is required before the first visit. The facility must also develop a testing strategy and should consider factors such as the frequency of visitation, county positivity rates and other factors specific to their facility or community. The same requirements apply to salon services visitors
High COVID-19 Positivity Rates	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.	Residents who are on transmission-based precautions for COVID-19, such as residents with "unknown COVID-19 status," can have essential caregiver visits and closed-window visits. Virtual visitation has been encouraged for all residents. Residents with positive COVID-19 status can have end-of-life and closed window visits.
Long-Term Care Ombudsman	Residents must have access to the Long-Term Care (LTC) Ombudsman	The LTC Ombudsman is identified in the rules as a "person with legal authority to enter." A facility must allow entry unless ombudsman staff does not pass the screening.
DD Act and O&A Programs	Facilities must allow residents to have immediate access to any representative of the protection and advocacy systems.	Rule identifies LIDDA and LMHA as a provider of essential services. A facility must allow entry unless they don't pass the screening.
Communal Activities and Dining	While adhering to the core principles of COVID-19 infection prevention, communal activities and dining can occur. Additionally, group activities can be facilitated (for residents who have fully recovered from COVID-19, and for those not in isolation for observation, or with suspected or confirmed COVID-19 status) with physical distancing among residents, appropriate hand hygiene, and use of a face covering.	The new rules do not address communal dining and activities, however these activities can occur as long as nursing facilities follow the COVID-19 core principles for infection prevention and control. Guidance associated with communal activities and dining are located in the Nursing Facility COVID-19 Response plan .

To learn what types of visits are currently allowed, please contact a facility directly. Additional information and a listing of facilities approved for general visitation are also available on the HHS website at:

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