



## Long-Term Care Regulation Provider Letter

<b>Number:</b> PL 20-39
<b>Title:</b> COVID-19 Response - Reopening Visitation
<b>Provider Types:</b> Hospice Inpatient Unit Operated by a Home and Community Support Services Agency
<b>Date Issued:</b> September 25, 2020

### 1.0 Subject and Purpose

As part of the continued reopening of the State of Texas, HHSC has adopted an emergency rule to allow for essential caregiver visits, salon services visits, and limited indoor and outdoor visitation in hospice inpatient units operated by a hospice agency. This letter describes the requirements for these visits.

### 2.0 Essential Caregiver Visits

An essential caregiver visit is defined as an in-person visit between a client and a designated essential caregiver, who is allowed to provide hands-on support to COVID-19 negative and unknown COVID-19 status clients in all hospice inpatient units. A hospice agency operating a hospice inpatient unit does not need an HHSC-approved designation for general visitation to allow essential caregiver visits. Up to two essential caregivers can be designated per client, but each visit is limited to one caregiver at a time.

Each essential caregiver visit must be by appointment and limited to two hours in duration, unless the hospice inpatient unit determines that it can accommodate a visit for a shorter or longer duration and adjusts the length of the visit accordingly.

The essential caregiver visits can occur outdoors, in the client’s room, or in another area in the hospice inpatient unit that limits visitor movement through the unit and interaction with other clients. The essential caregiver must be screened before being allowed to enter the hospice inpatient unit and trained by the agency on the appropriate use of personal protective equipment (PPE). The client must wear a facemask or cloth face covering over both the mouth and nose (if tolerated) throughout the visit.

Essential caregivers do not have to maintain physical distancing between themselves and the client they are visiting but must maintain physical distancing between themselves and other clients and staff.

An essential caregiver visit is not allowed if the essential caregiver has signs or symptoms of COVID-19, an active COVID-19 infection, other communicable diseases, or if the client has an active COVID-19 infection.

## **2.1 Requirements for Essential Caregiver Visits**

The hospice agency operating a hospice inpatient unit must:

- Develop and enforce essential caregiver visitation policies and procedures as stated in the emergency rule. This includes:
  - developing a testing strategy for essential caregivers;
  - training the essential caregivers; and
  - informing the essential caregivers of expectations related to infection control.
- Inform the essential caregivers of applicable policies, procedures, and requirements and maintain documentation of the essential caregiver's agreement to follow them.
- Approve the essential caregiver's facemask and any other PPE recommended by the Centers for Disease Control and Prevention (CDC) and the hospice agency's policy; or provide the essential visitor an approved facemask.
- Document the identity of each essential caregiver in the client's file and create an essential caregiver badge.
- Escort the essential caregiver in and out of the designated visitation area; facility staff do not need to monitor the visit itself.
- Maintain a record of each essential caregiver visit. This includes:
  - the date and time of the arrival and departure;
  - the name of the essential caregiver visitor;
  - the name of the client being visited; and
  - an attestation that the identity of the essential caregiver was confirmed.

The essential caregiver visitor must:

- Wear a facemask over both the mouth and nose and other appropriate PPE recommended by CDC guidance and agency policy while in the hospice inpatient unit.
- Have a negative COVID-19 test no more than 14 days before the first essential caregiver visit, unless the hospice agency performs a rapid test prior to entry into the hospice inpatient unit.
- Sign an agreement to leave the hospice inpatient unit at the appointed time unless otherwise approved by the hospice agency.
- Self-monitor for signs and symptoms of COVID-19.

### **3.0 Salon Services Visits**

A hospice agency operating a hospice inpatient unit can allow a salon services visitor to enter the hospice inpatient unit to provide services to a COVID-19 negative client if the requirements in the emergency rule are met. A hospice agency operating a hospice inpatient unit does not need an approved visitation designation to allow salon services visits. Barbers and beauticians must be screened and wear all appropriate PPE while providing these services.

A salon services visit is not allowed if the visitor has signs or symptoms of COVID-19, an active COVID-19 infection, or other communicable diseases or if the client has an active COVID-19 infection.

### **4.0 Visitation Designation Requirements**

To receive a general visitation designation, a hospice agency operating a hospice inpatient unit must request and receive approval from HHSC. A hospice agency must also demonstrate that its hospice inpatient unit has separate areas, units, wings, halls, or buildings designated for COVID-19 positive, COVID-19 negative, and unknown COVID-19 status client cohorts. A hospice inpatient unit must have separate dedicated staff working exclusively in the separate areas, units, wings, halls, or buildings, as well as have no confirmed COVID-19 cases for at least 14 consecutive days in staff working in the area, unit, wing, hall, or building that accommodates clients who are COVID-19 negative.

A hospice agency operating a hospice inpatient unit with an approved visitation designation must provide instructional signage throughout the unit and provide

proper visitor education on signs and symptoms of COVID-19, infection control precautions, and other applicable agency practices (e.g., the use of facemasks or other appropriate PPE, specified entries and exits, routes to designated visitation areas, and hand hygiene).

#### **4.1 Visitation Designation**

With an approved visitation designation from HHSC, a hospice agency operating a hospice inpatient unit can allow the following types visits in accordance with the emergency rule:

- Open window visit;
- Outdoor visit;
- Plexiglass indoor visit; and
- Vehicle parade.

A hospice agency does not need to have an approved designation for general visitation to allow closed window visits, end-of-life visits, or essential caregiver visits.

### **5.0 LTCR Form 7004 - Reopening Visitation Status Attestation**

A hospice agency operating a hospice inpatient unit must complete LTCR Form 7004 (Reopening Visitation Status Attestation) to notify LTCR that it seeks a visitation designation and email it to the LTCR regional director in the LTCR region where the hospice inpatient unit is located. Any applicable pictures and maps of the hospice inpatient unit also must be included with LTCR Form 7004. The LTCR regional director or designee will review the form within three days of receipt and notify the hospice agency whether its hospice inpatient unit has received a general visitation designation.

If approved, the hospice agency operating a hospice inpatient unit can allow limited visitation in accordance with the emergency rule. LTCR can conduct an on-site visit to confirm a hospice agency's compliance with all requirements. If a hospice agency operating a hospice inpatient unit fails to comply with the requirements of the emergency rule, HHSC can rescind the visitation designation and can take enforcement action in accordance with 26 TAC, Chapter 558, Subchapter F.

LTCR Form 7004 requires the hospice agency administrator to attest to the following:

- The hospice inpatient unit has had no confirmed COVID-19 cases for at least 14 consecutive days in staff working in the areas, units, wings, halls, or buildings designated for COVID-19 negative clients.
- There have been no facility-acquired COVID-19 confirmed cases for at least 14 consecutive days in clients in the COVID-19 negative areas, units, wings, halls, or buildings.
- No COVID-19 cases have occurred among staff or residents in the areas, units, wings, halls, or buildings of the hospice inpatient unit; or
- If there have been previous cases of COVID-19 among staff or clients in the areas, units, wings, halls, or buildings designated for COVID-19 negative clients, HHSC can confirm the following:
  - all staff and clients in the COVID-19 negative designated areas, units, wings, halls, or buildings have fully recovered;
  - the hospice agency has adequate staffing to continue to care for all clients and supervise visits permitted by the visitation designation; and
  - the hospice inpatient unit is in full compliance with infection control requirements and emergency rules related to COVID-19.

A hospice agency operating a hospice inpatient unit must submit the form to the LTCR Regional Director in the region where the unit is located. The form must be accompanied by a map of the hospice inpatient unit indicating which areas, units, wings, halls, or buildings accommodate COVID-19 positive, COVID-19 negative, and unknown COVID-19 status clients. The agency should not submit the form to any other HHSC unit or section, as this will delay approval.

A hospice agency operating a hospice inpatient unit with a general visitation designation should be prepared to provide documentation upon request to HHSC demonstrating that the unit was COVID-19 free for 14 days prior to the request for the visitation designation. A hospice agency can provide COVID-19 testing results for the most recent 14-day period prior to the request, or it can provide staff and client screening logs covering the most recent 14-day period prior to the request.

If, at any time after a visitation designation is approved by HHSC, the hospice inpatient unit experiences a new case of COVID-19, it must notify the Regional Director in the LTCR Region where the hospice inpatient unit is located that the unit

no longer meets visitation criteria. All visitation in the unit must immediately stop, except for closed window visits, end-of-life visits, and visits by persons providing critical assistance, including essential caregivers, until the hospice inpatient unit again meets the visitation designation criteria.

Under Section 37.10 of the Texas Penal Code, a person commits a criminal offense if he or she makes a false entry in a governmental record; makes, presents, or uses any record or document with knowledge of its falsity and intent that it be taken as a genuine governmental record; or makes, presents, or uses a governmental record with knowledge of its falsity.

In addition, making a false statement on the attestation form can result in the imposition of an administrative penalty as described in Texas Health and Safety Code (HSC), Chapter 142, section 142.017.

## **6.0 Background/History**

To protect clients of a hospice inpatient unit operated by a hospice agency, HHSC has adopted an emergency rule allowing limited indoor and outdoor visitation. A hospice inpatient unit must be granted a general visitation designation by HHSC before it can allow limited indoor and outdoor visitation.

## **7.0 Resources**

Contact Information for Submitting LTCR Form 7004 to the LTCR Regional Director:  
<https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers>

LTCR Form 7004

[Emergency rule in 26 TAC, Chapter 558, §558.950](#)

## **8.0 Contact Information**

If you have any questions about this letter, please contact the Policy, Rules and Training Section by email at [PolicyRulesTraining@hhsc.state.tx.us](mailto:PolicyRulesTraining@hhsc.state.tx.us) or call (512) 438-3161.



## LTCR FORM 7004: Reopening Visitation Status Attestation Hospice Inpatient Unit

Instructions: Submit Form 7004 to your Regional Director to request visitation designation. You must wait for approval prior to implementing reopening visitation protocols. <https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers>

Hospice Inpatient Unit			
Hospice Agency Name:		License #	
Administrator Name:		Contact #	
Administrator Email:			
Address of Hospice Inpatient Unit:			
Address of Hospice Agency, if different:			
Hospice Inpatient Unit County:			
Portion of Hospice Inpatient Unit for which Visitation Designation is requested:	Specify below each area, wing, unit, or building within the Hospice Inpatient Unit for which you are requesting visitation designation		

What type of visitation are you requesting?

- Indoor plexiglass booth visitation only
- Outdoor visitation only
- Indoor plexiglass booth and outdoor visitation

If requesting indoor plexiglass booth visitation, please attach pictures of the proposed booth, the location of the booth in the hospice inpatient unit, and the building map that indicates where in the unit the booth will be located.

**Note: If there are more stringent restrictions from local authorities that prohibit visitation to a hospice inpatient unit, the hospice agency must follow the more stringent guidelines.**

*I hereby attest that:*

- There have been no confirmed COVID-19 cases for at least 14 consecutive days in staff working in the areas, units, wings, halls, or buildings specified as COVID-19 negative.
- There have been no facility-acquired COVID-19 confirmed cases for at least 14 consecutive days in clients in the areas, units, wings, halls, or buildings specified as COVID-19 negative.
- I have attached a map of the hospice inpatient unit indicating which areas, units, wings, halls, or buildings accommodate COVID-19 negative, COVID-19 positive, and unknown COVID-19 status clients.
- There is no local order prohibiting visitation in this hospice inpatient unit.

*I hereby further attest that either:*

- There have been no confirmed COVID-19 cases in staff and/or clients in the areas, units, wings, halls, or buildings specified on page 1 of this form.

**OR**

- There have been previous cases of COVID-19 in staff and/or clients in the areas, units, wings, halls, or buildings specified on page 1 of this form, but:
  - (A) all staff and/or clients in the areas, units, wings, halls, or buildings specified on page 1 of this form have fully recovered,
  - (B) the hospice agency has adequate staffing to continue care for all clients and supervise visits permitted by the visitation designation, and
  - (C) the hospice inpatient unit is in compliance with infection control requirements and emergency rules related to COVID-19.

**I understand that HHSC may verify this attestation through an onsite visit.**

Name of and title of hospice agency administrator providing attestation:

Signature: \_\_\_\_\_

Date:

**Email the completed form (and any applicable pictures and maps) to the LTCR regional director in the LTCR region where the hospice inpatient unit is located.**

For use by HHSC LTCR only:

- Approved by/date: \_\_\_\_\_
- Denied, Reason for denial/date: \_\_\_\_\_