



Long-Term Care Regulation Provider Letter

Number: PL 21-31
Title: COVID-19 Response - Expansion of Reopening Visitation (Replaces PL 2021-12) and Mitigation Response rules
Provider Types: Assisted Living Facility (ALF)
Date Issued: August 25, 2021

1.0 Subject and Purpose

As part of the continued reopening of the State of Texas, HHSC has adopted a new expanded emergency rule for essential caregiver visits, end-of-life visits, and salon services visits in assisted living facilities (ALFs). This letter describes the requirements for these visits. See the expansion of reopening visitation rules at 26 TAC §553.2003 for the complete list of requirements.

This letter also provides guidance in Section 7.0 regarding the August 11, 2021 rules in 26 TAC §553.2001 relating to the Mitigation of COVID-19 Response.

2.0 Expanded Visitation Rule

ALFs must allow indoor visits, outdoor visits, end-of-life visits, and visits for persons providing critical assistance, including essential caregivers for residents.

The new visitation rules continue to provide more flexibility, including the following.

- Visitors and residents are no longer required, by HHSC rule, to wear face masks or face coverings or personal protective equipment (PPE).
- An ALF must develop and enforce policies and procedures that ensure infection control practices, including whether the visitor and the resident must wear a face mask, face covering, or appropriate PPE.

- Visits are no longer required to be scheduled in advance. A facility can allow for both scheduled and unscheduled visits. A facility that requires visits to be scheduled in advance must not use scheduling to prohibit or limit visitation for residents. All visits must be facilitated to allow time for cleaning and sanitization of the visitation area between visits and to ensure infection prevention and control measures are followed.
- Indoor visitation is not limited to areas with a plexiglass barrier or booth, and ALFs are no longer required to submit an attestation form or receive an approved visitation designation.
- To allow indoor visitation, an ALF no longer must ensure staff are designated to work with only one resident cohort but must continue to have separate areas, units, wings, halls, or buildings designated for COVID-19 positive, COVID-19 negative, and unknown COVID-19 status resident cohorts.
- An ALF is no longer required to keep a separate log for essential caregivers or verify the identity of the essential caregiver at each visit.
- A visitor may not participate in a visit if he or she has signs and symptoms of COVID-19 or an active COVID-19 infection. Visitors must be screened in accordance with HHSC guidance. The HHSC guidance follows the most current CDC guidelines for screening. At this time, screening includes:
 - Fever, defined as a fever of 100.4 degrees Fahrenheit and above;
 - Signs or symptoms of COVID-19, including chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea;
 - Any other signs and symptoms as outlined by CDC in Symptoms of Coronavirus at [cdc.gov](https://www.cdc.gov/coronavirus/2019-ncov/symptoms.html);
 - Close contact during the prior 14 days with someone who has a confirmed diagnosis of COVID-19, is under investigation for COVID-19, or is ill with a respiratory illness, regardless of the visitor's vaccination status; or
 - A positive COVID-19 test in the last 10 days.

3.0 Vaccination Status

The facility must offer a complete series of a one- or two-dose COVID-19 vaccine to residents and staff and document each resident's choice to vaccinate or not vaccinate. "Offer" in this context means to administer, arrange/assist, **OR** educate/give information about the COVID-19 vaccine **AND** document the resident's choice to vaccinate or not vaccinate.

An ALF may ask about a visitor's COVID-19 vaccination status but **must not** require a visitor to provide documentation of his or her COVID-19 vaccination status as a condition of visitation or to enter the facility. A personal visitor may refuse to provide information about his or her vaccination status.

A person is considered fully vaccinated when he or she has received the second dose in a two-dose COVID-19 vaccination series or received one dose of a single-dose COVID-19 vaccination and at least 14 days have passed since the person received the dose. A personal visitor who does not meet this definition of fully vaccinated, including a visitor who refuses to provide information about his or her vaccination status, is considered to be unvaccinated.

4.0 Visitation Requirements

The following applies to all visitations.

An ALF must:

- develop and enforce policies and procedures that ensure infection control practices, including whether the visitor and the resident must wear a face mask, face covering, or appropriate PPE;
- ensure equal access by all residents to personal visitors, end-of-life visitors, and essential caregivers;
- allow visitors of any age;
- ensure a comfortable and safe outdoor visitation area for outdoor visits, considering outside air temperature and ventilation;
- inform visitors of the facility's infection control policies and procedures related to visitation;
- limit the movement of the visitor through the facility to ensure interaction with other persons in the facility is minimized; and

- provide hand-washing stations, or hand sanitizer, to the visitor and resident before and after visits.

Visitation must be facilitated to allow time for cleaning and sanitization of the visitation area between visits and to ensure infection prevention and control measures are followed. An ALF can allow both scheduled and unscheduled visits. Scheduling visits in advance cannot prohibit or limit visitation for residents.

[Essential caregivers and end-of-life visitors may have close or personal contact with the resident he or she is visiting.](#) The resident and his or her personal visitor may have close or personal contact in accordance [with CDC guidance.](#)

Visits are permitted where adequate space is available as necessary to ensure physical distancing between visitation groups and safe infection prevention and control measures. Visits are permitted in the resident's room.

The resident may have more than one person visiting at a time, but the number of visitors permitted is dependent upon the size and space of the area where the visit is taking place. Visitors do not have to physical distance from the resident they are visiting or from one another during the visit, but the visitors must physically distance themselves from other residents and staff while at the facility.

Essential caregiver visits and personal visitors may visit a resident at the same time, as long as space permits.

The visitor and the resident must practice hand hygiene before and after the visit.

5.0 Essential Caregiver Visits

An essential caregiver visit is defined as a personal visit between a resident and a designated essential caregiver and is permitted in all facilities for all residents with any COVID-19 status.

An ALF must allow essential caregiver visits. The following requirements apply to essential caregiver visits.

- Up to two essential caregivers can be designated per resident and up to two essential caregivers can visit each resident at the same time.

- An essential caregiver visit is not allowed if the visitor has signs or symptoms of COVID-19 or an active COVID-19 infection.

Essential caregiver visits can occur outdoors, in the resident's bedroom, or in another area in the facility that limits visitor movement through the facility and interaction with other residents.

- Essential caregivers do not have to maintain physical distancing between themselves and the resident they are visiting but must maintain physical distancing between themselves and other persons in the facility.
- An ALF is no longer required to maintain a separate record of the essential caregiver visit or verify the identity of the essential caregiver at each visit.

An ALF must develop and enforce essential caregiver visitation policies and procedures, including:

- a written agreement that the essential caregiver understands and agrees to follow the applicable policies, procedures, and requirements;
- training each designated essential caregiver on infection control measures, hand hygiene, and cough and sneeze etiquette;
- expectations regarding using only designated entrances and exits as directed, if applicable; and
- limiting visitation to the area designated by the facility.

An ALF must also:

- inform the essential caregiver of applicable policies, procedures, and requirements;
- maintain documentation of the essential caregiver's agreement to follow the applicable policies, procedures, and requirements;
- maintain documentation of the essential caregiver's training on infection control measures, hand hygiene, and cough and sneeze etiquette;
- maintain documentation of the identity of each essential caregiver in the resident's records; and
- prevent visitation by the essential caregiver if the essential caregiver has signs and symptoms of COVID-19 or an active COVID-19 infection.

6.0 Salon Services Visits

An ALF may allow salon services visits in accordance with §553.2003 and is no longer required to maintain a separate record of the visit or verify the identity of the salon services visitor at each visit.

7.0 Assisted Living Facility Covid-19 Response

26 TAC §553.2001 details the mitigation response to COVID-19 for assisted living facilities. Revisions to this emergency rule, released on August 11, 2021, include the following.

- Note updated definitions for “fully vaccinated person,” “quarantine,” and “unknown COVID-19 status.”
- A facility must screen all residents, staff, and other people who come into the facility in accordance with HHSC guidance.
- Note revisions to the timeline for submitting Form 3613-A from within five days to five working days.
- A facility must screen residents upon admission or readmission and at least once a day in accordance with HHSC guidance. HHSC guidance follows the most current CDC guidelines for screening. At this time, screening includes the following:
 - Fever, defined as a fever of 100.4 Fahrenheit and above;
 - Signs or symptoms of COVID-19, including chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea;
 - Any other signs and symptoms as outlined by CDC in Symptoms of Coronavirus at [cdc.gov](https://www.cdc.gov);
 - Close contact with someone who has a confirmed diagnosis of COVID-19, is under investigation for COVID-19, or is ill with a respiratory illness, regardless of the visitor’s vaccination status; or
 - Has tested positive for COVID-19 in the last 10 days

8.0 Contact Information

If you have any questions about this letter, please contact the Policy and Rules by email at LTCRPolicy@hhs.texas.gov or call (512) 438-3161.