



Long-Term Care Regulatory Provider Letter

Number: PL 20-43 (replaces PL 20-38)

Title: COVID-19 Response - Expansion of Reopening Visitation

Provider Types: Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions (ICF/IID)

Date Issued: October 16, 2020

1.0 Subject and Purpose

As part of the continued reopening of the State of Texas, HHSC has adopted expanded emergency rules to allow for essential caregiver visits, salon services visits, and limited indoor and outdoor visitation in ICFs/IID.

ICF/IIDs are required to allow closed window visits, end-of-life visits, and visits of persons providing critical assistance, including essential caregivers for individuals. ICF/IIDs are also required to seek a visitation designation to allow additional general visitation. This letter describes the requirements for these visits. See the expansion of reopening visitation rules at 26 TAC §551.47 for the complete list of requirements.

2.0 Facility Visitation Designation Requirements

An ICF/IID must receive an approved general visitation designation from HHSC before it can begin permitting outdoor visits, indoor plexiglass visits, open window visits, and vehicle parades, and must allow these types of visits upon receiving an approved visitation designation.

To receive and approved general visitation designation, an ICF/IID must:

- demonstrate that it has separate areas, units, wings, halls, or buildings designated for COVID-19 positive, COVID-19 negative, and unknown COVID-19 status individual cohorts;
- have separate, dedicated staff who work exclusively in the separate areas, units, wings, halls, or buildings;

- have no facility-acquired COVID-19 cases in individuals for at least 14 consecutive days; and
- have no COVID-19 cases in staff working in the area, unit, wing, hall, or building that accommodates individuals who are COVID-19 negative.

Note: to receive an approved general visitation designation, a small ICF/IID that cannot provide separate areas, units, wings, halls, or buildings for individuals who are COVID-19 positive, COVID-19 negative or unknown COVID-19 status, based on the status of the entire facility, must:

- have no facility-acquired COVID-19 cases in individuals for at least 14 consecutive days; and
- have no COVID-19 cases in staff.

An ICF/IID must provide instructional signage throughout the facility and proper visitor education regarding:

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

An ICF/IID that does not meet the criteria for a visitation designation must permit closed window visits and end-of-life visits for individuals regardless of their COVID-19 status, as well as essential caregiver visits for individuals with COVID-19 negative or unknown COVID-19 status. Such an ICF/IID must also develop and implement a plan to meet the visitation criteria and submit the plan to the regional director in the Long-term Care Regulation (LTCR) region where the ICF/IID is located within five days of submitting the new 2195 Expansion of Reopening Visitation Status Attestation Form, or within five days of receiving notification from HHSC that the ICF/IID was not approved for general visitation designation. See [section 11.0](#) of this document for information about LTCR Form 2195.

3.0 Plexiglass Indoor Visitation

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ICF/IID must allow indoor plexiglass visits for all individuals who are COVID-19 negative. Prior to using the plexiglass barrier or booth, the ICF/IID must submit a photo of

it and its location in the facility for approval from HHSC. The plexiglass barrier or booth is not required to be constructed with three sides or to meet size specifications. It can be any layout and size that aids in infection prevention and control and is approved by HHSC.

The plexiglass barrier or booth must not be installed in an area of the facility where it:

- blocks or obstructs a means of egress (e.g., exit door, hallway or the way out of a room);
- blocks or interferes with any fire safety equipment or system; or
- offers access to the rest of the facility or contact between the visitors and other individuals.

During an indoor plexiglass visit, the ICF/IID must ensure:

- physical distancing of at least six feet is maintained between individuals and visitors;
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit;
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit; and
- both the visitor and the individual practice proper hand hygiene.

4.0 Open Window Visits

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ICF/IID must allow open window visits for all individuals who are COVID-19 negative. During an open window visit, the ICF/IID must ensure:

- physical distancing of at least six feet is maintained between individuals and visitors;
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit;
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit; and
- both the visitor and the individual practice proper hand hygiene.

5.0 Vehicle Parades

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ICF/IID must allow

vehicle parades for all individuals who are COVID-19 negative. The ICF/IID must provide a comfortable and safe outdoor visiting area for vehicle parades, considering outside air temperatures and ventilation. During a vehicle parade, the ICF/IID must ensure:

- visitors must remain in their vehicles throughout the parade;
- physical distancing of at least six feet is maintained between individuals throughout the parade;
- individuals are not closer than 10 feet to the vehicles for safety reasons; and
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit.

6.0 Outdoor Visits

Upon receiving an approved visitation designation and in accordance with the requirements in the expanded visitation rules, an ICF/IID must allow outdoor visits for all individuals who are COVID-19 negative. The ICF/IID must provide a comfortable and safe outdoor visiting area for outdoor visits, considering outside air temperatures and ventilation. During an outdoor visit, the ICF/IID must ensure:

- physical distancing of at least six feet is maintained between individuals and visitors;
- visitors wear a facemask or face covering over both the mouth and nose throughout the visit;
- individuals wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit; and
- both the visitor and the individual practice proper hand hygiene.

7.0 Essential Caregiver Visits

An essential caregiver visit is defined as a personal visit between an individual and an essential caregiver, permitted in all facilities for COVID-19 negative and unknown COVID-19 status individuals.

- ICF/IIDs must allow essential caregiver visits.
- An ICF/IID does not need an approved general visitation designation from HHSC to allow essential caregiver visits.
- Up to two essential caregivers can be designated per individual, but each visit is limited to one essential caregiver at a time.

- Each essential caregiver visit must be by appointment and limited to two hours, unless the ICF/IID can only accommodate a visit for a shorter or longer amount of time and adjusts the length accordingly.
- Essential caregiver visits can occur outdoors, in the individual's bedroom, or in another area in the facility that limits visitor movement through the facility and interaction with other individuals.
- The essential caregiver must be screened before being allowed to enter the facility and trained by the ICF/IID on the appropriate use of personal protective equipment (PPE).
- The individual 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 individual they are visiting but must maintain physical distancing between themselves and other individuals and staff.
- An essential caregiver 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 individual has an active COVID-19 infection.

7.1 Requirements for Essential Caregiver Visits

The ICF/IID must:

- develop and enforce essential caregiver visitation policies and procedures as stated in each program's expanded emergency rules. This includes:
 - developing a testing strategy for essential caregiver visitors;
 - training the essential caregivers on the proper use of PPE;
 - 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 visitor's facemask and any other appropriate PPE recommended by Centers for Disease Control and Prevention (CDC) guidance and the ICF/IID's policy; or

provide a caregiver with an approved facemask and any other appropriate PPE;

- document the identity of each essential caregiver in the individual's file and create an essential caregiver badge;
- 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;
 - the name of the individual being visited; and
 - attestation that the identity of the essential caregiver visitor was confirmed; and
- escort the essential caregiver visitor in and out of the designated visitation area; the visit itself does not need to be monitored by facility staff.

The essential caregiver visitor must:

- wear a facemask over both the mouth and nose and other appropriate PPE recommended by CDC guidance and the ICF/IID's policy while in the facility;
- have had a negative COVID-19 test no more than 14 days before the first essential caregiver visit, unless the ICF/IID performs a rapid test prior to entry into the facility;
- sign an agreement to leave the facility at the appointed time unless otherwise approved by the ICF/IID; and
- self-monitor for signs and symptoms of COVID-19.

8.0 End-of-life Visits

An end-of-life visit is a personal visit between a visitor and an individual who is at end-of-life visit and is permitted in all facilities for all individuals at the end of life. An ICF/IID must allow end-of-life visits for all individuals with COVID-19 positive, COVID-19 negative, or unknown COVID-19 status. An ICF/IID does not need an approved general visitation designation from HHSC to allow end-of-life visits

9.0 Closed Window Visits

A closed window visit is a personal visit between a visitor and an individual during which the individual and visitor are separated by a closed window and the visitor does not enter the building. An ICF/IID must allow closed window visits for all individuals with COVID-19 positive, COVID-19 negative, or

unknown COVID-19 status. An ICF/IID does not need an approved general visitation designation from HHSC to allow closed window visits.

10.0 Salon Service Visits

An ICF/IID can allow a salon services visitor to enter the facility to provide services to a COVID-19 negative individual if the requirements in the expanded emergency rules are met, including screening of the barber or beautician. An ICF/IID does not need an approved general visitation designation from HHSC to allow salon services visits.

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 individual has an active COVID-19 infection or unknown COVID-19 status.

11.0 LTCR Form 2195

Each ICF/IID must submit LTCR Form 2195 to the Regional Director in the LTCR region where the facility is located and must provide information about whether the ICF/IID meets or does not meet the criteria for expanded general visitation. Each ICF/IID must submit a completed form 2195 to the Regional Director no later than October 31, 2020.

An ICF/IID that does not meet the visitation designation criteria must attest that it:

- is permitting closed window visits, end of life visits, and essential caregiver visits;
- will develop and implement a plan to meet the visitation designation criteria as defined in 26 TAC §551.47; and
- has included the plan with the form or will submit the plan within five business days of submitting the form.

To seek a designation for general visitation, an ICF/IID must complete LTCR Form 2195, Expansion of Reopening Visitation Status Attestation, to notify LTCR that the ICF/IID seeks a designation as a visitation facility. The form must be emailed to the LTCR regional director in the LTCR region where the facility is located. Any applicable pictures and facility maps must also be included with LTCR Form 2195.

The LTCR regional director or designee will review the form within three working days of submission and notify the ICF/IID whether it has received been approved for a visitation designation. An ICF/IID with previous approval for visitation does not have to submit LTCR Form 2195 or other documentation unless the previous visitation approval has been withdrawn, rescinded, or cancelled, or was for only indoor or outdoor visitation instead of both indoor and outdoor visitation.

If approved, the ICF/IID must allow outdoor visits, indoor plexiglass visits, open window visits, and vehicle parades in accordance with the applicable emergency rule. HHSC LTCR can conduct an on-site visit to confirm an ICF/IID's compliance with the requirements. If HHSC determines that the ICF/IID does not meet the requirements for the designation as a visitation facility, the ICF/IID must immediately stop all visitation except a closed window visit, end-of-life visit, and visits by persons providing critical assistance, including designated essential caregivers.

The form also requires the facility administrator or director to attest to the following:

- the ICF/IID has had no confirmed COVID-19 cases in staff for at least 14 consecutive days in the specified areas, wings, units or buildings;
- there are no active or facility-acquired COVID-19 cases in individuals in the specified areas, wings, units, or buildings, and the ICF/IID has included a map indicating which areas, wings, units, or buildings accommodate COVID-19 negative, COVID-19 positive, and unknown COVID-19 status individuals;
- no COVID-19 cases have occurred in the specified areas, wings, units, or buildings of the facility; or
- there have been previous cases of COVID-19 among staff or individuals, and HHSC LTCR has conducted a verification survey and confirmed the following:
 - all staff and individuals in the specified areas, wings, units, or buildings have fully recovered;
 - the ICF/IID has adequate staffing to continue to care for all individuals and visits permitted in expansion of reopening visitation; and
 - the ICF/IID is in full compliance with infection control requirements and emergency rules related to COVID-19.

An ICF/IID must submit the form to the LTCR Regional Director in the region where it is located and not to any other HHSC unit or section, as this will delay approval.

An ICF/IID with a general visitation designation should be prepared to provide documentation upon HHSC request to demonstrate that it was COVID-19 free for 14 days prior to its request for the designation. Facilities can provide COVID-19 testing results for the most recent 14-day period prior to the request for visitation designation. If a testing strategy is not used, ICF/IIDs can instead provide staff and individual screening logs covering the most recent 14-day period prior to the request for designation.

If, at any time after a visitation designation is approved by HHSC, the ICF/IID experiences an outbreak of COVID-19, the ICF/IID must notify the Regional Director in the LTCR Region where it is located that the ICF/IID no longer meets visitation criteria, and the ICF/IID must immediately stop all visitation, except a closed window visit, end-of-life visit, or visits by persons providing critical assistance, including essential caregivers. The ICF/IID can submit a new request for designation when it meets all visitation 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, Chapter 252, section 252.065(a).

12.0 Background/History

To protect residents in ICFs/IID, HHSC has adopted expanded emergency rules requiring limited indoor and outdoor visitation and identified essential caregiver visits as visits by persons providing critical assistance.

13.0 Resources

Contact Information for Submitting LTCR Form 2195 to the LTCR Regional Director: <https://hhs.texas.gov/about-hhs/find-us/long-term-care-regulatory-regional-contact-numbers>

LTCR Form 2195

Emergency rule in 26 TAC, Chapter 551, §551.47

14.0 Contact Information

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



LTCR FORM 2195: Expansion of Reopening Visitation Status Attestation Form for ICF Only

SECTION 1: Facility Information

Instructions: Submit Form 2195 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: Facility Name: Facility #/ID#: Contact Name: Contact #: Contact's Email: Address: Facility's County: Visitation Designation requested: List each wing, unit, area, or building for which you are requesting visitation designation below.

Indicate type of visitation:

- Indoor plexiglass booth visitation only (only select if requesting an exemption for outdoor visitation types)
Outdoor visitation, vehicle parades and open window visits only (only select if requesting an exemption for indoor plexiglass visits)
Indoor plexiglass booth, outdoor visitation, vehicle parades and open window visits

If requesting indoor plexiglass visitation only or outdoor visitation only, an ICF must complete Section 2 and Section 5 of this form.

If requesting indoor plexiglass booth visitation, please attach pictures of the existing booth, the location of the booth in the facility, and the building map that indicates where in the facility the booth is located.

Note: there may be more stringent restrictions from local authorities that prohibit visitation to a facility. The facility must follow the more stringent guidelines.

SECTION 2: ICF/IID meets the visitation designation criteria

Note: All ICF/IIDs must offer visitation, per state requirements. Complete Section 2 if your facility meets the visitation designation criteria. Complete [Section 3](#) if your facility does not meet visitation designation criteria. Visitation criteria from 26 TAC §551.47(h) and (i) are listed in [Section 7](#) for your reference. All ICF/IIDs must complete [Section 6](#), the signature section.

I hereby attest that:

- There have been no confirmed COVID-19 cases in facility staff for at least 14 consecutive days in the specified areas, wings, units or buildings.
- There are no active or facility-acquired COVID-19 cases in residents in the specified areas, wings, units or buildings.
- I have attached a facility map indicating which areas, wings, units or buildings accommodate COVID-19 negative, COVID-19 positive and unknown COVID-19 status individuals.
- There is no local order prohibiting visitation in this facility.

I hereby further attest that either:

- There have been no confirmed COVID-19 cases in facility staff and/or residents in the in the specified areas, wings, units or buildings of the facility.

OR

- There have been previous cases of COVID-19 in facility staff and/or residents in the specified areas, wings, units or buildings of the facility, and:
 - (A) all staff and/or residents in the specified areas, wings, units or buildings have fully recovered,
 - (B) the facility has adequate staffing to continue care for all residents and visits permitted in expansion of reopening visitation, and
 - (C) the facility 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.

SECTION 3: ICF/IID DOES NOT meet visitation designation criteria

I hereby attest that:

I have attached a facility map indicating which areas, wings, units or buildings accommodate COVID-19 negative, COVID-19 positive and unknown COVID-19 status individuals.

The facility does not currently meet the criteria for visitation designation.

and

The facility is permitting closed window visits, end-of-life visits and essential caregiver visits.

and

There is no local order prohibiting visitation in this facility.

I further attest that:

The facility has developed and implemented a plan to meet the visitation designation criteria as defined in 26 TAC §551.47(h) or (i), and the plan is included with this form.

or

The facility will submit a plan to meet the visitation designation criteria defined in 26 TAC §551.47(h) and (i) within 5 days of submitting this form.

SECTION 4: ICF/IID unable to offer visitation because of local order

I hereby attest that:

There is a local order prohibiting visitation in this facility.

and

Once the local order is no longer in effect, I will resubmit LTCR Form 2195 and request visitation designation.

I hereby further attest that:

I have included a copy of the local order or the website where the local order can be viewed. _____

SECTION 5: ICF/IID unable to offer both indoor plexiglass and outdoor visitation

An ICF/IID facility may request an exemption for outdoor visits, indoor plexiglass visits, open window visits, or vehicle parades. If your facility is unable to offer outdoor visits, indoor plexiglass visits, open window visits or vehicle parades, please provide an explanation as to why the facility is unable to meet the visitation requirements specified in

26 TAC §551.47(l)(6), (l)(12)-(13), (m) or (n), and submit the explanation to this form. The visitation criteria are located in [Section 7](#) for your reference. HHSC will review the rationale to determine if an exemption can be approved and will notify the ICF if an exemption is approved or denied, and whether the exemption is temporary or long-term, dependent upon the situation.

SECTION 6: Signature and HHSC Review

Name and title of ICF/IID administrator or director providing attestation:

Signature:

Date:

Email the form (and any applicable pictures, facility maps, and attachments) to the LTCR regional director in the LTCR region where the facility is located.

Approved by/date: _____

Denied, Reason for denial/date: _____

Note: there may be more stringent restrictions from local authorities that prohibit visitation to a facility. The facility must follow the more stringent guidelines.

SECTION 7: Rule References

For your reference, the visitation criteria are listed below.

- (h) To receive a facility visitation designation, an intermediate care facility must demonstrate that:
 - (1) it has separate areas, units, wings, halls, or buildings designated for COVID-19 positive, COVID-19 negative, and unknown COVID-19 status resident cohorts;
 - (2) separate dedicated staff are working exclusively in the separate areas, units, wings, halls, or buildings for residents who are COVID-19 positive, COVID-19 negative or unknown COVID-19 status;
 - (3) there have been no confirmed COVID-19 cases for at least 14 consecutive days in staff working in the area, unit, wing, hall, or building which accommodates residents who are COVID-19 negative;
 - (4) there have been no facility-acquired COVID-19 confirmed cases for at least 14 consecutive days in residents in the COVID-19 negative area, unit, wing, hall, or building;
 - (5) staff are designated to work with only one resident cohort and the designation does not change from one day to another; and
 - (6) if an intermediate care facility has had previous cases of COVID-19 in staff or residents in the area, unit, wing, hall, or building which accommodates residents who are COVID-19 negative, HHSC LTCR has conducted a verification survey and confirmed the following:
 - (A) all staff and residents in the COVID-19 negative area, unit, wing, hall, or building have fully recovered;
 - (B) the intermediate care facility has adequate staffing to continue care for all residents and supervise visits permitted by this section; and
 - (C) the intermediate care facility is in compliance with infection control requirements and emergency rules related to COVID-19.

- (i) A small intermediate care facility that cannot provide separate areas, units, wings, halls, or buildings for individuals who are COVID-19 positive, COVID-19 negative or unknown COVID-19 status must

demonstrate:

- (1) there have been no confirmed COVID-19 cases for at least 14 consecutive days in staff;
 - (2) there have been no facility-acquired COVID-19 confirmed cases for at least 14 consecutive days in individuals; and
 - (3) if an intermediate care facility has had previous cases of COVID-19 in staff or individuals, HHSC LTCR has conducted a verification survey and confirmed the following:
 - (A) all staff and individuals have fully recovered;
 - (B) the intermediate care facility has adequate staffing to continue care for all individuals and supervise visits permitted by this section; and
 - (C) the intermediate care facility is in compliance with infection control requirements and emergency rules related to COVID-19.
- (l) Except as provided in subsection (k) of this section, an intermediate care facility with a facility visitation designation must allow outdoor visits, open window visits, vehicle parades, and plexiglass indoor visits involving individuals and personal visitors. The following requirements apply to all visitation allowed under this subsection:
- (6) Visits are permitted where adequate space is available that meets criteria and when adequate staff are available to monitor visits. Essential caregiver visits and end-of-life visits can take place in the individual's room or other area of the facility separated from other individuals. The intermediate care facility must limit the movement of the visitor through the facility to ensure interaction with other individuals is minimized.
 - (12) The intermediate care facility must ensure a comfortable and safe outdoor visiting area for outdoor visits, open window visits, and vehicle parades, considering outside air temperatures and ventilation.
 - (13) For outdoor visits, the intermediate care facility must designate an outdoor area for visitation that is separated from individuals and limits the ability of the visitor to interact with individuals.
- (m) The following requirements apply to vehicle parades:

- (1) Visitors must remain in their vehicles throughout the parade.
 - (2) The intermediate care facility must ensure physical distancing of at least six feet is maintained between individuals throughout the parade.
 - (3) The intermediate care facility must ensure individuals are not closer than 10 feet to the vehicles for safety reasons.
 - (4) The individual must wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit.
- (n) The following requirements apply to plexiglass indoor visits:
- (1) The plexiglass booth must be installed in an area of the facility where it does not impede a means of egress, does not impede or interfere with any fire safety equipment or system, and does not offer access to the rest of the facility or contact between the visitors and other individuals.
 - (2) Prior to using the booth, the facility must submit for approval a photo of the plexiglass visitation booth and its location in the facility to the Life Safety Code Program Manager in the LTCR Region in which the facility is located and must receive approval from HHSC.
 - (3) The visit must be supervised by facility staff for the duration of the visit.
 - (4) The individual must wear a facemask or face covering over both the mouth and nose (if tolerated) throughout the visit.
 - (5) The visitor must wear a facemask or face covering over both the mouth and nose throughout the visit.
 - (6) The facility shall limit the number of visitors and individuals in the visitation area as needed.