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Date: March 11, 2021

To: Nursing Facilities
Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs)
Adult Assisted Housing Providers

Re: Visitation and Applicability of Recent Federal CDC and Centers for Medicare and Medicaid Services (CMS) Guidance for Fully Vaccinated People

Purpose

The purpose of this memorandum is to remind providers of current visitation policy and provide preliminary guidance as to the impact of the [Interim Public Health Recommendations for Fully Vaccinated People](#), issued by the federal U.S. CDC on March 8, 2021, and [QSO-20-39-NH, updated by CMS on March 10, 2021](#).

This memorandum is applicable to all Nursing Facilities, Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IIDs) and adult Assisted Housing providers in Maine. Assisted Housing includes Assisted Living Facilities, Private Non-Medical Institutions (PNMIs) and Residential Care Facilities. It also includes group homes for adults with Intellectual/Developmental Disabilities (IDD) or Brain Injury that are currently licensed under any of the Assisted Housing categories, or that will be subject to licensing in 2021.

Overview of Change in Visitation Guidance

Fully vaccinated residents may now have close contact with visitors including physical touch. Infection control practices, including masking and hand hygiene, continue to apply. Certain facility and county conditions must be met.

Visitation Generally

As vaccination rates increase and transmission rates decline, the Department, the Long-Term Care Ombudsman, legislators and others are receiving increasing numbers of complaints from families indicating that some facilities are not allowing in-person, indoor visits. CMS emphasizes that visitation must be allowed “at all times and for all residents (regardless of vaccination status), except for a few circumstances” as noted in the guidance. Such visits must be allowed in all facilities and may not be denied except for:

- Unvaccinated residents, when the county positivity rate is greater than 10% **and** less than 70% of residents in the facility are fully vaccinated;
- Residents with confirmed COVID-19 infection, whether vaccinated or unvaccinated, until they have met criteria to discontinue transmission-based precautions;
- Residents in quarantine, whether vaccinated or unvaccinated, until they have met criteria for release from quarantine; or

- When a new case of COVID-19 is identified among residents or staff, in which case the facility should suspend visitation (except that required under federal disability rights law) until they have met specific criteria articulated in the guidance.

Infection control practices, including masking (with well-fitting face coverings for staff and residents), social distancing, and hand hygiene must be observed during visitation consistent with the CMS guidance, as well as current federal and state CDC guidance.

Additionally, CMS encourages facilities in counties with medium to high positivity rates (greater than 5%) to offer testing to visitors but makes it clear that “visitors should not be required to be tested or vaccinated (or show proof of such) as a condition of visitation.”

Close Contact During Visits

On March 8, 2021, the federal CDC issued Interim Public Health Recommendations for Fully Vaccinated People [and on March 10, 2021, CMS updated its visitation guidance for nursing facilities and other federally certified facilities \(QSO-20-39-NH\)](#). CMS emphasizes that while social distancing (maintaining at least six feet between people) is still recommended, a resident may choose to have close contact with visitors, including physical touch, provided that:

- The resident is fully vaccinated, which means the final dose (or single dose of a 1-dose vaccine) was administered 2 weeks or more before the close contact visit occurs; and
- The resident wears a well-fitting face mask and performs hand hygiene before and after the contact.

The Department is reviewing and revising the relevant summary tables below that were most recently updated on February 4, 2021 to assist in the application of the CDC and CMS guidance issued this week. Until updated tables are issued, this memo takes precedence on any inconsistencies that exist between this memo and the tables.

[Table 3A. Maine CDC Guidance for Community Engagement of Group A.](#) Group A includes Nursing Facilities, ICF/IIDs, Facilities designated as Alzheimer’s/Dementia Care, PNMI/Residential Care Facilities/Assisted Living Facilities that are part of Multi-Level Complexes with Nursing Facilities, and PNMI Appendix C Facilities (for Adults with High Functional/Medical Needs).

[Table 3B. Maine CDC Guidance for Community Engagement of Group B.](#) Group B includes Adult PNMI, Residential Care Facilities, Assisted Living Facilities not included in Group A, Adult Family Care Homes, and Adult Group Homes.