



KATHY HOCHUL
Governor

Department
of Health

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

September 28, 2021

Re: DAL NH #21-21
Skilled Nursing Facility Ongoing Vaccination
Program

Dear Nursing Home Administrator:

The New York State Department of Health (“NYS DOH”) is committed to working together with your facility to ensure continued access to COVID-19 vaccination and ensuring administration of COVID-19 booster shots for your residents and staff on an ongoing basis.

On September 24, 2021, under the US Food and Drug Administration (FDA) amended emergency use authorization (EUA) for the Pfizer-BioNTech COVID-19 Vaccine, the CDC issued recommendations for a single booster dose for individuals 65 years of age or older, as well as long-term care facility residents; individuals age 50-64 with underlying medical conditions; individuals age 18-49 with underlying medical conditions, based on individual benefit and risk; and individuals age 18-64 who are at an increased risk for COVID-19 exposure or transmission because of occupational or institutional setting. Underlying conditions and occupational settings are enumerated below.

As you are aware, NYS DOH used a one-time supplemental survey issued August 31, 2021, and continues to gather information on the daily HERDS survey, to assess each NH’s ability to administer or access the vaccine (through in-house clinical staff or other arrangement(s)) and ensure NYS DOH has data in a real-time basis regarding how many vaccine doses are required to be provided to each nursing home or their vaccine partners to ensure all residents and staff willing and eligible to be vaccinated have access to the vaccine and booster shots.

To this end, our objective is to ensure every NH licensed by NYS DOH has a clinical or pharmacy partner or the clinical capabilities to provide vaccinations and booster shots to residents and staff on an ongoing basis as new residents/staff are admitted/hired or express willingness to be vaccinated.

To ensure full preparation for ongoing vaccinations, the NYS DOH is directing each provider, if they have not yet done so, to engage in outreach immediately with residents, families, staff and your vaccine partners to plan for the administration of COVID-19 booster shots to the populations determined eligible as listed above. Providers should work with their clinical teams to assess booster eligibility, and timing, clinical status of underlying medical conditions, risk of complication, comorbidities and transmission/exposure/infection risk.

In addition, providers are expected to ensure compliance with 10 NYCRR §415.19, as amended [August 26, 2021](#). Additionally, nursing homes must continue to comply with vaccination requirements set forth in 10 NYCRR Subpart 66-4, added on [July 30, 2021](#).

Your commitment to ensuring ongoing vaccine administration or access thereof, either through in-house clinical staff or third-party vaccine provider arrangements, is a critical element in our ongoing collective goal of ensuring all residents and staff of your facility have access to vaccine and family members of your residents and the general public have confidence in the measures being taken to ensure safety amongst this vulnerable population. Facilities are obligated to continue to work with their existing partners, form new relationships as applicable, and immediately coordinate with these partners to develop a process for booster shots and the possible co-administration of the influenza vaccine and COVID-19 boosters.

If you are unable to ensure, either through your in-house clinical capabilities or third-party provider arrangements, the ability to vaccinate new staff or residents or provide or arrange for booster shots (i.e., mass vaccination sites, community sites), providers must inform the NYS DOH of this so we can work with you to address solutions.

Lastly, as with any requirements, documentation is critical. Providers must have clear and well communicated policies and procedures in place to support compliance with these requirements, including a system for documenting ongoing compliance with all vaccination requirements. NYS DOH requires under regulation that upon request, documentation to support compliance be readily available.

NYS DOH is committed in our desire to partner with you to ensure each and every resident and staff member of your facility has access to initial vaccination and subsequent and recommended booster shots. Thank you for your ongoing work to keep residents, staff and the general public safe. Comments, questions or concerns regarding this correspondence should be directed to CovidVaccineLTC@health.ny.gov.

Sincerely,



Sheila McGarvey, Director
Division of Nursing Homes and ICF/IID
Surveillance
Center for Health Care Provider Services and
Oversight