



IROQUOIS

Healthcare Association

To: IHA All Members

From: Gary J. Fitzgerald, *President & CEO*
Jessica Morelli, *Vice President*

Date: September 1, 2020

RE: PPE Emergency Regulation Dear Administrator Letter; DOH Issues Emergency Regulations Related to COVID-19 & Influenza Testing

PPE Emergency Regulation Dear Administrator Letter

Late last night, you should have received a [Dear Administrator Letter](#) (DAL) from DOH related to the [new emergency regulation](#) - adopted on July 21 - creating personal protection equipment (PPE) requirements for hospitals and [nursing homes](#).

The letter serves as reminder of regulatory requirements and creates a process for hospitals to seek additional time to ask for an extension, or to file for an extension. The emergency regulation allows the Department to grant an extension of the deadline to October 30, 2020, at its sole and exclusive discretion where the hospital demonstrates, to the Commissioner's satisfaction, that:

- The hospital's inability to meet the deadline is solely attributable to supply chain issues that are beyond the hospital's control and purchasing PPE at market rates would facilitate price gouging by PPE vendors; or
- The 7-day rolling average of new COVID-19 infections in New York State remains below 1.5% of the total seven-day rolling average of COVID-19 tests performed over the same period; and there are 10 or less states in the United States that have a 7-day rolling average of new COVID-19 infections exceeding 5k cases.

Should your hospital need additional time to consider filing for an extension, please email your request to the Hospital division at hospinfo@health.ny.gov. The Department will consider these requests until September 14, 2020.

COVID-19 & Influenza Confirmatory Testing

Additionally, DOH last night issued new [emergency regulations](#) mandating new COVID-19 and influenza confirmatory testing requirements for hospitals and nursing homes, effective today, September 1.

Per the new regulations, enacted to reduce the spread of the virus, improve the state's contact tracing program and ensure accurate death data/reporting:

- Confirmatory COVID-19 and influenza testing is required whenever a patient or resident has a known exposure or symptoms associated with either disease;
- Testing must be performed on any patient or resident thought to have died of either disease, within 48 hours after death, if that individual had not previously received a COVID-19 and influenza test in the 14 days prior to death;
 - Such tests should be performed using rapid testing methodologies to the extent available.
 - Hospitals and nursing homes should report the death to DOH immediately, upon receipt of both test results through the Health Emergency Response Data System (HERDS).

Hospitals and nursing homes that lack the ability to perform testing expeditiously, should request assistance from the Department of Health.

As always, please do not hesitate to contact IHA with any questions, comments or concerns related to the above matters.

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