
VIA Email

[Date]

[Facility Administrator]
[Facility address]

Re: Noncompliance with Testing of Residents and Staff

Dear Administrator:

The New Mexico Department of Health's Division of Health Improvement ("DHI") has become aware that your facility has failed to comply with testing and reporting requirements for SARS-CoV-2 ("COVID-19") in your long-term care facility.

As a reminder, on May 27, 2020 DHI mandated testing for SARS-CoV-2 ("COVID-19") in all long-term care facilities ("LTC") in New Mexico, which includes Nursing Homes and Assisted Living Facilities. Guidance provided by the Centers for Disease Control and Prevention ("CDC") and Centers for Medicare and Medicaid Services ("CMS") identifies that viral testing in long term care facilities is an important addition to other prevention infection and control recommendations aimed at keeping COVID-19 out, detecting positive cases quickly and stopping transmission of COVID-19.

You must immediately comply with the testing requirements in this letter to avoid potential civil monetary penalties and licensure sanctions associated with noncompliance.

Surveillance Testing

Effective May 27, 2020, LTC facilities with no current cases of COVID-19 are **required to randomly test 25% of residents and 20% staff on a weekly basis**. It is the responsibility of each LTC facility to ensure adequate compliance with this mandate.

- Facilities must test symptomatic residents and staff immediately and follow the guidance for isolation precautions.
- Ordering Test Kits: LTC facilities are responsible for registering with Tricare Reference Laboratories and for contacting Tricare on a weekly basis to order test kits. Only request the amount that totals 25% of your residents and 20% of your staff censuses.
- Complete all highlighted sections of the lab requisition form, include facility name and check the "Expediate" box. You do not need submitter information. Insurance information must also be included on the requisition form, if applicable. Testing results will be sent to the Administrator. The turn-around time for receiving test results is

DIVISION OF HEALTH IMPROVEMENT

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approximately 24-48 hours. Test results can be obtained from the Tricare Data Portal. Please ensure you are able to access this portal. **If someone becomes symptomatic during this time frame follow the guidance for isolation precautions and for symptomatic staff.**

- Facilities shall keep a surveillance log of residents and staff tested to include, names, date of birth, date tested, date sent to the state lab, date results received and test result. Any positive cases should be immediately reported to DHI.

Testing in Response to a Positive Case at a LTC Facility

LTC facilities that experience a positive case of COVID-19 (resident or staff) are hereby **required to test 100% of staff and residents every week until no further cases are present for a period of at least 14 days.** It is the responsibility of each LTC facility to ensure adequate compliance with this mandate.

Penalties for Noncompliance

We note that your facility has recently failed to perform adequate testing and/or report testing results to DHI. Any failure to comply with the testing requirements stated in this correspondence will be considered abuse, neglect or exploitation of a patient/client/resident and may be considered grounds for revocation or suspension of a license pursuant to NMAC 7.9.2.18.G. Additionally, a facility found to be in noncompliance may be assessed civil monetary penalties under the Public Health Act and Public Health Emergency Response Act. Please ensure your facility immediately complies with testing and reporting requirements described in this letter to avoid these actions.

Thank you for your attention to this matter and protecting the health of New Mexico's most vulnerable residents. Please let us know if you have any questions.

Sincerely,



Christopher Burmeister
Division Director
Division of Health Improvement
NM Department of Health