

Attorneys:

- **Russell F. Anderson**
randerson@pullcom.com
203.330.2271
- **Collin P. Baron**
cbaron@pullcom.com
203.330.2219
- **Margaret A. Bartiromo**
mbartiromo@pullcom.com
203.330.2276
- **Stephen M. Cowherd**
scowherd@pullcom.com
203.330.2280
- **Karen P. Wackerman**
kwackerman@pullcom.com
203.330.2278

Governor Lamont Orders Mandatory COVID-19 Testing of All Nursing Home and Assisted Living Agency Employees

June 3, 2020

by Stephen M. Cowherd and Daniel P. Scholfield

In Executive Order 7UU, Governor Lamont ordered mandatory COVID-19 testing of all employees and staff at all private and municipal nursing homes, managed residential communities, and assisted living services agencies. These facilities should begin preparing to comply with the Order immediately.

Pullman & Comley has prepared answers to Frequently Asked Questions to help.

1) What facilities are covered?

EO 7UU applies to:

1. any private or municipal **Nursing Home Facility**, as defined by Conn. Gen. Stat. §19a-521;
2. any private or municipal **Managed Residential Community**, as defined by Conn. Gen. Stat. §19a-693; and,
3. any **Assisted Living Services Agency**, as defined by Conn. Gen. Stat. §19a-693.

2) Are Home Health Care Agencies and/or Home Health Aide Agencies covered by EO 7UU?

No. EO 7UU specifies “Assisted Living Services Agencies,” not Home Health Care Agencies or Home Health Aide Agencies. Assisted Living Services Agencies are defined, licensed, and regulated differently under Connecticut Department of Public Health Regulations than either Home Health Care Agencies or Home Health Aide Agencies.

Governor Lamont Orders Mandatory COVID-19 Testing of All Nursing Home and Assisted Living Agency Employees

If you are unsure about the status of your entity, and whether it is covered by EO 7UU, you should contact an attorney to obtain advice specific to your entity's circumstances.

3) Which employees or staff are covered?

All employees and staff, from the top down to the most entry-level position. The EO specifies that it applies to everyone providing any sort of service at the facility, including administrators, per diem employees, contract workers, and even volunteers, to name just a few examples.

4) On what date must my facility commence mandatory testing?

The date of commencement is tied to the type of facility.

Nursing Homes must begin testing no later than **June 14, 2020**.

Managed Residential Communities and **Assisted Living Services Agencies** must begin testing no later than **June 28, 2020**.

Of course, the earlier your facility can begin testing, the better.

5) How often must I test my employees?

Per EO 7UU, each of your employees must be tested at least once weekly.

6) Who can oversee the testing of my employees?

You are responsible for ensuring that all orders for tests of your employees and staff be obtained from "an appropriately licensed practitioner capable of issuing such orders within his or her scope of practice or permitted to do so by law, including any executive order." Presently, the list of practitioners permitted to order COVID-19 tests includes: licensed physicians, physician assistants, advanced practice registered nurses, and pharmacists. Per preexisting law, all test results must be reported to the practitioner who ordered the test.

If you do not have one of these practitioners at your facility, you should arrange for one to order weekly tests for your employees immediately.

7) What do I do if one of my employees tests positive?

Send the employee home immediately. You can also visit Pullman & Comley's FOCUS: Responding to COVID-19 resource page for a summary of our advisories offering additional guidance.

Governor Lamont Orders Mandatory COVID-19 Testing of All Nursing Home and Assisted Living Agency Employees

You should also contact a Pullman & Comley Health Care attorney if you have any questions not answered by the above FAQ. We are prepared to help.

This publication is intended for educational and informational purposes only. Readers are advised to seek appropriate professional consultation before acting on any matters in this update. This report may be considered attorney advertising. To be removed from our mailing list, please email unsubscribe@pullcom.com with "Unsubscribe" in the subject line. Prior results do not guarantee a similar outcome.