



## Department of Health

**ANDREW M. CUOMO**  
Governor

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

**LISA J. PINO, M.A., J.D.**  
Executive Deputy Commissioner

Date: February 1, 2021

To: Adult Care Facility Operators and Administrators

### **Health Advisory: Adult Care Facility Staff Testing and Payment Requirements**

**Please distribute immediately to:**  
Adult Care Facility Operators and Administrators

On May 10, 2021, Governor Andrew M. Cuomo signed Executive Order (EO) 202.30, to require all adult care facilities (ACFs) to test personnel for COVID-19 twice per week. This requirement was amended on June 9, 2021 to allow ACFs located in Phase 2 regions of reopening to test all personnel for COVID-19 **once per week**.

ACFs are reminded that they are obligated to test or arrange for the testing of all personnel, including all employees, per diem staff, contract staff, medical staff, operators, administrators, and volunteers, as the Department stated in its June 24, 2020 guidance, "Executive Order 202.30 - Nursing Home and Adult Care Facility Staff Testing Requirement FAQ." Facilities may submit claims to insurers for the cost of medically necessary COVID-19 testing, but if payment is not available for staff members' routine testing, facilities **must** pay for the testing.

Facilities are reminded that pursuant to EO 202.30, a failure to comply with the aforementioned testing requirements may be subject to a penalty of \$2,000 per violation per day, and \$10,000 per violation per day for any subsequent violations. Additionally, the Department may suspend or revoke such facilities' operating certificate, and a receiver appointed to continue operations on 24 hours' notice.

Questions should be sent to [covidadultcareinfo@health.ny.gov](mailto:covidadultcareinfo@health.ny.gov).