



ALLEN RILEY  
Chairman

THOMAS J. LOUGHREN  
Commissioner

## CHAIRMAN'S MEMORANDUM

**NO:** 9-2020

**DATE:** October 28, 2020

**TO:** SHERIFFS, COMMISSIONERS OF CORRECTION, JAIL ADMINISTRATORS, WARDENS, JAIL PHYSICIANS, FACILITY MEDICAL DIRECTORS, CHIEFS OF POLICE, AND SSD FACILITY DIRECTORS

**RE:** Health Advisory: Limitations on Correctional Facility Visitation via the Cluster Action Initiative

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Executive Order No. 202.68, issued October 9, 2020, established the *Cluster Action Initiative*, which aims to identify and cease the spread of COVID-19 by addressing outbreaks of new cases within a limited and definable geographic area. Designations of a Red Micro-Cluster Zone, an Orange Warning Zone, or a Yellow Precautionary Zone are based on metrics indicating substantial COVID-19 spread, and result in corresponding restrictions and limitations on non-essential gatherings, in-school instruction, etc. within these zones.

Attached please find recent guidance from the New York State Department of Health, informing operators of congregate residential facilities (including correctional and juvenile justice facilities) of required limitations on visitation for facilities located in Red and Orange zones.

Please immediately review this information with your respective administration and local health officials, and make any necessary adjustments to your policies, procedures and operations in response to this rapidly evolving public health emergency. As detention facilities are especially at risk for the spread of communicable disease, due to the number of individuals living in close proximity to one another, facilities must take all available precautions to minimize the risk of a COVID-19 outbreak, while simultaneously maintaining a safe and secure facility.

Please refer to this link to determine if your facility falls within a Red or Orange zone:  
<https://covidhotspotlookup.health.ny.gov/#/home>.

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Allen Riley, Chairman



**DATE:** October 23, 2020  
**TO:** Facility Operators and Administrators  
**FROM:** New York State Department of Health

**Health Advisory: All Residential Congregate Facilities**

**Please distribute immediately to:  
Operators, Administrators, Directors of Nursing, Medical Directors,  
Activities Professionals**

**Background**

Since the onset of the COVID-19 public health emergency, New York State has relied on data and metrics, science, and public health expertise to make all decisions impacting public health. With the fall and winter approaching, Governor Cuomo has introduced a new data-based strategy of aggressively responding to micro-clusters in order to limit COVID-19 spread via the Cluster Action Initiative.

With one of the lowest baseline rates of COVID-19 transmission in the country, New York has the opportunity to identify and limit spread of COVID-19 by addressing “micro-clusters,” which are outbreaks of new cases within a limited and definable geographic area.

This Initiative focuses response in defined geographic areas, thereby addressing transmission on a focused basis and preventing broader viral transmission that would result in widespread economic shutdowns. Areas that meet metrics demonstrating substantial COVID-19 spread may be designated either a Red Micro-Cluster Zone, an Orange Warning Zone, or a Yellow Precautionary Zone.

On October 9, 2020, Governor Andrew M. Cuomo issued EO No. 202.68 which, among other things, established red, orange, and yellow zones and imposed restrictions and limitations on non-essential gatherings, participant occupancy in houses of worship, indoor/outdoor dining, and in-person schools within these zones.

**Purpose**

The purpose of this guidance is to inform operators of congregate facilities, including state or local agencies, or not for profit service providers of limitations on visitation in residential congregate settings located in “red” and “orange” zones subject to Cluster Action Initiative restrictions as established pursuant to Executive Order (EO) No. 202.68. In order to ensure safety of residents and staff of facilities housing congregate populations, these visitation restrictions shall be effective at 3 pm on Sunday, October 25, 2020, and shall remain in effect the duration a facility remains in such zone. Unless superseded by this guidance, all other state agency guidance and policies with respect to visitation remain in effect.

**Residential congregate facilities** for purposes of this guidance include:

- Nursing homes
- Adult care facilities and Adult homes

- Pediatric skilled nursing facilities
- Facilities for individuals with developmental disabilities (OPWDD run, licensed or regulated homes)
- Facilities for individuals affected by substance use (OASAS run, licensed, or regulated facilities)
- Facilities for individuals in receipt of mental health services (OMH run, licensed or regulated facilities)
- Residential treatment centers (OCFS run, licensed, or regulated facilities)
- Juvenile justice facilities
- Hospitals
- Correctional facilities

Effective immediately, in red and orange zones, congregate residential facilities must limit visitation in accordance with the following guidance:

### **Red Zones**

All visitation is suspended in residential congregate facilities located in red zones, except for in the following instances: compassionate care (including end of life/hospice situations), medically or clinically necessary (i.e. visitor is essential to the care of the patient), accompanying a minor in a pediatric facility, labor/delivery/post-partum care, necessary legal representatives, and essential companions to individuals with intellectual and/or developmental disabilities or with cognitive impairments, including dementia.

### **Orange Zones**

Visitation shall be suspended at a residential congregate facility in an orange zone if a staff member or resident in the facility has tested positive for COVID-19 in the last 14 days, except for in the following instances: compassionate care (including end of life/hospice situations), medically or clinically necessary (i.e. visitor is essential to the care of the patient), accompanying a minor in a pediatric facility, labor/delivery/post-partum care, necessary legal representatives, and essential companions to individuals with intellectual and/or developmental disabilities or with cognitive impairments, including dementia.

This supersedes other local health department orders which may impact visitation in these zones.

Thank you for your ongoing support and cooperation in responding to COVID-19 concerns. For more information visit <https://coronavirus.health.ny.gov/home>.