

59AER20-5 Mandatory Testing for Nursing Home Staff.

(1) APPLICABILITY. The requirements of this emergency rule apply to all nursing homes licensed under Chapter 400, F.S.

(2) DEFINITIONS.

“Staff” means all paid and unpaid persons serving in healthcare settings who have the potential for direct or indirect exposure to patients or infectious materials, including body substances (e.g., blood, tissue, and specific body fluids); contaminated medical supplies, devices, and equipment; contaminated environmental surfaces; or contaminated air. Staff may include, but are not limited to, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the health care facility, and persons (e.g., clerical, dietary, environmental services, laundry, security, maintenance, engineering and facilities management, administrative, billing, and volunteer personnel) not directly involved in patient care but potentially exposed to infectious agents that can be transmitted among from staff and patients. This definition is consistent with the Centers for Disease Control and Prevention definition of Healthcare personnel as defined in Appendix 2. Terminology.

(3) MANDATORY STAFF TESTING FOR COVID-19.

(a) Beginning July 7, 2020, nursing homes shall not admit into the facility any staff who has not been tested for COVID-19.

(b) Nursing homes shall require all staff be tested every two (2) weeks thereafter with testing resources provided by the state.

(4) EXEMPTION FROM TESTING.

Staff who have already been infected and recovered from COVID-19 do not need to be tested if they can provide medical documentation to the nursing home.

(5) DOCUMENTATION.

(a) If testing is conducted off-site, then staff must provide proof of testing to the nursing home.

(b) Nursing homes shall document all staff testing, including the name of the individual, time, and date of the test.

(c) Nursing homes shall require all tested staff to notify the facility of the test results the same day the results are received. Written documentation of test results must be provided to the facility upon receipt by the staff.

(d) Nursing homes shall keep copies of all staff testing documentation on site.

(6) REVOCATION OF LICENSE, FINES OR SANCTIONS. For a violation of any part of this rule, the Agency may seek any remedy authorized by Chapter 400, Part II, or Chapter 408, Part II, F.S., including but not limited to, license revocation, license suspension, and the imposition of administrative fines.

Rulemaking authority, 400.23, 408.819, 408.821, FS, Law Implemented 400.022, 400.23, 408.819, FS