



GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION

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MEMO 23-09

TO: Administrator, DON, Infection Preventionists, Employee Health

**FROM: Mary Gracey- White RN, BSN, QCP Director of Regulatory Compliance and
Arlette A Drigpaul, MSN RN Infection Preventionist/Education Coordinator**

DATE: May 24, 2023

RE: DAL 23-09 Covid-19 Vaccination for Healthcare Personnel

As you may already be aware, earlier today the NYS DOH released DAL 23-09 which states that the NYS regulatory requirement 10 NYCRR Section 2.61 (Prevention of Covid-19 Transmission by Covered Entities) that requires healthcare personnel to be fully vaccinated against Covid-19 is being recommended for repeal by the Department subject to consideration by the Public Health and Health Planning Council (PHHPC). Effective immediately, the Department will not cite providers for failing to comply with the requirements on 10 NYCRR Section 2.61 while the repeal is under consideration by the PHHPC. The Department may, however, continue to seek sanctions against providers based on previously cited violations that allegedly occurred.

Healthcare facilities are advised to consider how to implement their own internal policies regarding Covid-19 vaccination while remaining in compliance with applicable state and federal laws. Additionally, in QSO-23-13-ALL, CMS announced that it will soon end the requirement for staff vaccination and will share more details regarding ending this requirement at the anticipated end of the public health emergency. To date, CMS has not yet released any new guidance.

The Association has reached out to CMS and the DOH for further clarification regarding hiring those who are unvaccinated against Covid-19 and will keep you informed upon receipt of a response. We are also working on updating our Covid Vaccine Policy for Staff and will make it available on our website (<https://gnyhcfa.org>) upon completion.

All are encouraged to stay up-to-date with the Covid-19 vaccine as recommended by the Centers for Disease Control and Prevention (see [here](#)).

Per the DOH, questions or concerns regarding this DAL can be addressed to covidnursinghomeinfo@health.ny.gov.