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Governor

Richard Whitley, MS
Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



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Technical Bulletin

Date: February 10, 2022

Topic: Mask Mitigation Requirements for Licensed Health Care Facilities

Contact: Bureau of Health Care Quality and Compliance and the Office of Public Health Investigations and Epidemiology

To: Division of Public and Behavioral Health's Licensed Health Care Facilities

Background:

On Feb. 10, 2022, Governor Sisolak signed [Emergency Directive 052](#) and announced the indoor mask mandate within Nevada is no longer in place.

Governor Sisolak's directive also recognizes that COVID-19 remains a statewide public health crisis and requires that certain mitigation measures and emergency management functions will continue to be managed as the state level to protect the overall health and safety of all Nevadans.

The purpose of this technical bulletin is to provide guidance on how the Governor's emergency directive impacts the Division of Public and Behavioral Health's licensed health care facilities.

In light of this announcement, the Nevada Department of Health and Human Services (DHHS) Division of Public and Behavioral Health (DPBH) is providing clarifying guidance related to health care settings. All health care facilities must continue to implement all infection control practices — including masking — in accordance with all applicable state and federal laws (statutes) and regulations. These necessary infection control measures to prevent both the spread of COVID-19 and to reduce the risk of severe outcomes have been consistently provided to health care facilities throughout the COVID-19 pandemic and will continue to be provided in the same manner.

Centers for Medicare and Medicaid Services (CMS) Certified Health Care Facilities

Facilities such as nursing homes, hospitals, ambulatory surgical centers, hospice, home health agencies and other facilities that are Centers for Medicare and Medicaid Services (CMS) certified must continue to follow CMS infection control and prevention regulatory requirements, including the requirement to adhere to nationally recognized infection prevention and control guidelines, as indicated. The applicable nationally recognized infection prevention and control guidelines would be those applicable to the facility setting.

For example, the Centers for Disease Control and Prevention (CDC) [Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes](#) would be an acceptable guideline for nursing homes to follow.

In addition, facilities should be aware of the U.S. Department of Labor, Occupational Safety and Health Administration, standards for use of personal protective equipment (PPE) to keep employees working in health care facilities, including those working with communicable diseases, safe.

Federal Visitation Guidelines

CMS-certified facilities are required to follow CMS federal regulations regarding patient/resident rights regarding visitation.

CMS guidance on visitation for Acute and Continuing Care Providers and Suppliers can be found in [QSO-21-08-NLTC](#).

CMS guidance on visitation for Nursing Homes can be found in [QSO20-39-NH](#)

State-Licensed Facilities

State-licensed facilities are required to follow all applicable state laws and regulations regarding infection control and prevention and regulations related to patient/resident safety, including the use of masks and respirators where indicated. Each facility is responsible for understanding the laws and regulations that apply to them.

State Visitation Guidelines

NRS 449A.106(9) notes that every patient of a medical facility or facility for the dependent has the right to receive, within reasonable restrictions as to time and place, visitors of the patient's choosing, including, without limitation, friends and members of the patient's family.

Visitations in all facility types should follow the core principles of COVID-19 infection prevention to reduce the risk of COVID-19 and protect residents/patients and staff, including but not limited to, the use of masks, hand hygiene, cleaning and disinfection, physical distancing, and appropriate staff use of personal protective equipment.

Information on infection control practices in these settings can be found here at the following links:

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-recommendations.html>

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-home-long-term-care.html>

<https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfopolicy-and-memos-states-and/guidance-infection-control-and-prevention-concerningcoronavirus-disease-2019-covid-19-home-health>

<https://www.leg.state.nv.us/NRS/NRS-439.html#NRS439Sec860>

Questions

For updated guidance, please review the [DPBH Technical Bulletin web page](#) and the [Nevada Health Response website](#) regularly. If you have other questions regarding this Technical Bulletin please contact:

- Bureau of Health Care Quality and Compliance
 - Las Vegas: 702-486-6515
 - Carson City: 775-684-1030
- Office of Public Health Investigations and Epidemiology
 - Email COVID-19 questions to outbreak@health.nv.gov



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