

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

Deidre S. Gifford, MD, MPH  
Acting Commissioner



Ned Lamont  
Governor  
Susan Bysiewicz  
Lt. Governor

### BLAST FAX 2021-26A

TO: Nursing Homes, Chronic Disease Hospitals, Assisted Living Services Agencies, Managed Residential Communities, Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) and Residential Care Homes.

FROM: Acting Commissioner Deidre S. Gifford, MD, MPH

CC: Deputy Commissioner Heather Aaron, MPH, LNHA  
Adelita Orefice, MPM, JD, CHC, Chief of Staff  
Barbara Cass, RN., Branch Chief, Healthcare Quality and Safety Branch  
Donna Ortelte, Section Chief, Facility Licensing and Investigations Section

DATE: September 10, 2021

SUBJECT: Executive Order 13F Compliance Guidance

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Attached for your attention are:

1. Executive Order 13 F – Long Term Care Facility Staff Vaccination
2. Executive Order 13F Compliance Guidance





**STATE OF CONNECTICUT**

**BY HIS EXCELLENCY**

**NED LAMONT**

**EXECUTIVE ORDER NO. 13F**

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19  
PANDEMIC – LONG-TERM CARE FACILITY STAFF VACCINATION**

**WHEREAS**, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut in response to the coronavirus disease 2019 (COVID-19) outbreak caused by the SARS-Cov-2 virus in the United States and Connecticut; and

**WHEREAS**, on several occasions since March 10, 2020, acting within my authority pursuant to Sections 19a-131 and 28-9 of the Connecticut General Statutes as well as Special Acts 21-2, 21-4, and 21-5 of the General Assembly, and in response to the continued need to respond adequately to the COVID-19 pandemic, I renewed the declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies; and

**WHEREAS**, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic; and

**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

**WHEREAS**, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

**WHEREAS**, COVID-19 presents increased risk of severe illness, complications, and death to older adults and particularly those with chronic conditions; and

**WHEREAS**, COVID-19 deaths among nursing home residents and staff members accounted for nearly one third of the nation's pandemic fatalities; and

**WHEREAS**, the Delta variant of COVID-19 is highly contagious and spreads more easily and quickly than other COVID-19 variants; and

**WHEREAS**, according to the Centers for Disease Control and Prevention (CDC) and Connecticut Department of Public Health (DPH), the number of COVID-19 cases associated with the Delta variant and the overall rate of infection and hospitalization has increased significantly in Connecticut, such that the CDC considers transmission at substantial levels in seven Connecticut counties and high in the remaining county; and

**WHEREAS**, after a steady and significant decline, nursing homes in Connecticut have experienced a significant increase in COVID-19 infection rates that corresponds with the increased prevalence of the Delta variant, with staff cases doubling and resident cases increasing by more than eight times in the last three weeks; and

**WHEREAS**, in nursing home settings the risk of COVID-19 infection is higher because of the concentration of large numbers of people and the presence of people with underlying conditions or compromised immune systems; and

**WHEREAS**, vaccines are widely available in Connecticut; and

**WHEREAS**, immunization is the most effective method for preventing and mitigating infection from COVID-19, including possible hospitalization or death; and

**WHEREAS**, as of July 25, 2021, fifty-five percent of nursing home facilities in Connecticut had a staff vaccination rate under seventy-five percent and only twenty-one percent of nursing homes in Connecticut had a staff vaccination rate of eighty-five percent or over; and

**WHEREAS**, the significant percentage of unvaccinated staff in such facilities increases the risk of COVID-19 transmission among residents and places this vulnerable population at increased risk of severe symptoms, hospitalization, and death; and

**WHEREAS**, such risks are heightened greatly for long-term care facility residents who, for medical reasons, are unable to receive a vaccination but do not have the option of avoiding such settings; and

**WHEREAS**, even small numbers of COVID-19 cases in long-term care facilities lead to increased limitations and restrictions on visits by family members, friends, and loved ones, putting at risk the emotional and social well-being of all residents; and

**WHEREAS**, increasing the percentage of vaccinated personnel in long-term care facilities will better protect both residents and staff and reduce the likelihood of restrictions on visitation; and

**WHEREAS**, the increase in infections and hospitalizations has led to increased requirements for use of protective masks in indoor settings and, without the measures detailed in this order

to limit the surge in infections, could result in additional impediments to conducting social, civic, recreational, and business activity; and

**WHEREAS**, responding to and treating outbreaks of COVID-19 consumes priority healthcare resources including personnel, hospital beds, and personal protective equipment, jeopardizing the efficient operation of the statewide healthcare infrastructure and thereby endangering public health and safety; and

**WHEREAS**, section 19a-491c of the Connecticut General Statutes currently imposes certain requirements on long-term care facilities but conflicts with the protection of public health by not having a process to address the greater risks posed by unvaccinated individuals who have direct access to patients and residents; and

**WHEREAS**, long-term care facilities have provided valuable feedback regarding administration of the vaccination requirements in Executive Order No. 13B and there is a need to extend the compliance deadline and make other clarifications; and

**WHEREAS**, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

**NOW, THEREFORE, I, NED LAMONT**, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Repeal of Executive Order No. 13B.** Executive Order No. 13B is repealed and superseded in its entirety by this order.
2. **Definitions.** For purposes of this order, the definitions in section 19a-491c of the Connecticut General Statutes are modified as follows:
  - a. “long-term care facility” means any facility, agency or provider that is a nursing home, as defined in section 19a-521, a residential care home, as defined in section 19a-521, an assisted living services agency, as defined in section 19a-490, an intermediate care facility for individuals with intellectual disabilities, as defined in 42 USC 1396d(d), managed residential community as defined in section 19a-693a, or a chronic disease hospital, as defined in section 19a-550; and
  - b. “Covered LTC worker” shall include employees, consultants, contractors including persons who provide services to the

long-term care facility under a contract entered into by the facility, volunteers, caregivers who provide care and services to residents on behalf of the facility, and students in the facility's nurse aide training programs or from affiliated academic institutions. Covered LTC worker does not include visitors of a patient or resident.

- c. "fully vaccinated" means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration, or as otherwise defined by the Centers for Disease Control.

3. **Long-term Care Facility Vaccination Requirements.** Section 19a-491c of the Connecticut General Statutes is modified by adding the requirements that by September 27, 2021, long-term care facilities shall:

- a. prior to extending an offer of employment to, or entering into a contract or other arrangements with a covered LTC worker, require that any such individual is (i) fully vaccinated against COVID-19, (ii) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, or (iii) exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the health of the covered LTC worker or the covered LTC worker objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered LTC worker is able to perform his or her essential job functions with a reasonable accommodation that is not an undue burden on the long-term care facility, provided that any covered LTC worker claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case by case basis. Covered LTC workers who have applied for an exemption shall provide appropriate supporting documentation upon request; and

- b. not employ or maintain a contract or other arrangements with a covered LTC worker for the provision of services unless such individual (i) is fully vaccinated against COVID-19, (ii) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, or (iii) exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the health of the covered LTC worker or the covered LTC worker objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered LTC worker is able to perform his or her essential job functions with a reasonable accommodation that is not an undue burden on the long-term care facility, provided that any covered LTC worker claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case by case basis. Covered LTC workers who have applied for an exemption shall provide appropriate supporting documentation upon request; and
  - c. authenticate the vaccination status of covered LTC workers, maintain documentation of vaccination or exemption of such individuals and report compliance with this order, in a form and manner and at such times as directed by the Department of Public Health in any order or written guidance which may be imposed without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes.
4. **Failure to Receive Second Dose.** Long-term care facilities shall not employ or maintain a contract or other arrangements with a covered LTC worker who has received the first dose of a two-dose series vaccination but fails to receive the second dose on the appropriate date or at the scheduled appointment without good cause.
5. **Civil Penalties for Failure to Comply With this Order.** The failure of a long-term care facility to comply with this order shall be subject to a civil penalty of up to twenty-thousand dollars per day. Any long-term

care facility subject to such penalty may use the procedure and process provided in section 19a-525 of the General Statutes. Failure to comply with this order may also constitute an imminent danger to the health, safety, or welfare of any patient pursuant to section 19a-534 of the Connecticut General Statutes.

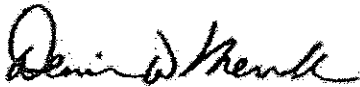
This order shall take effect immediately and remain in effect through September 30, 2021 unless earlier modified or terminated.

Dated at Hartford, Connecticut, this 3<sup>rd</sup> day of September, 2021.



Ned Lamont  
Governor

By His Excellency's Command



Denise W. Merrill  
Secretary of the State

