

Publications

Health Care Alert: Ohio Orders Nursing Homes, Residential Care Facilities, and Licensed Developmental Disabilities Facilities to Notify Residents, Sponsors, and Guardians of COVID-19 Cases

Related Attorneys

Suzanne J. Scrutton

Robin P. Amicon

Related Industries

Health Care

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During the COVID-19 press conference on April 13, 2020, Ohio Governor Mike DeWine and Ohio Department of Health Director Dr. Amy Acton announced that they would be issuing an order that requires long term care facilities to notify residents and families within twenty-four (24) hours if a resident or staff member tests positive for COVID-19. This Order was posted by Director Acton yesterday, April 15, 2020, and specifically requires all nursing homes, residential care facilities, and licensed facilities that provide residential services to individuals with developmental disabilities to notify the residents, the residents' sponsor, and/or the residents' guardians of positive or probable cases of COVID-19 within the facility. The Order applies to both residents and staff who test positive for COVID-19 or have a probable diagnosis of COVID-19.

Although not defined in the Order, the Ohio Department of Health is tracking "probable" cases as defined by the Centers for Disease Control and Prevention (CDC), and it can be presumed that facilities should also follow this definition when reporting probable cases or diagnoses. A probable case or death according to the CDC is defined by i) meeting clinical criteria and epidemiologic evidence with no confirmatory laboratory testing performed for COVID-19; or ii) meeting presumptive laboratory evidence and either clinical criteria or epidemiologic evidence; or iii) meeting vital records criteria with no confirmatory laboratory testing performed for COVID-19. For more information, [click here](#).

The Order states that the required notification shall be provided no less than twenty-four (24) hours after the facility is notified of its first confirmed or probable case of COVID-19, and it must include the steps the facility is taking to reduce the spread of infection within the facility. The Order does not require subsequent notifications after the first reported case. Further, if a facility already had staff or residents with confirmed or probable COVID-19, and has not yet notified the residents, residents' sponsors and/or guardians, the facility must provide notification no later than twenty-four (24) hours after the effective date

of the Order. If notices had already been provided at the time, however, subsequent notification is not required under the Order.

The Order does not require a specific method of notification, but permits that the notification be made in writing or via a phone call. A copy of notification materials (either the letter or call script) must also be sent to the Ohio Department of Health at the address provided in the Order.

The Order does clarify that facilities are not required make any notifications when an individual who has recovered from COVID-19 is admitted to a facility and no longer requires isolation or other precautions to be taken.

It is also our understanding that the state will begin releasing the names and addresses of all facilities that have a minimum of one resident or employee case of COVID-19. However, this was not addressed by the Order.

A copy of the Order can be [found here](#).

If you have questions, please contact Suzanne Scrutton, Robin Amicon, or your regular Vorys attorney.

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Vorys COVID-19 Task Force

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive COVID-19 Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at vorys.com/coronavirus.