

AMENDED EMPLOYEE COVID-19 MANDATORY TESTING COMPLIANCE POLICY
Adopted March 24, 2022

The below Policy pertains to COVID-19 Mandatory Outbreak Response Testing and Mandatory Expanded Screening Testing related to only the Rockingham County Rehabilitation and Nursing Center (the facility). This Policy will be in effect from the date of the adoption of this Policy (noted above) and supersedes and replaces the Employee COVID-19 Mandatory Testing Compliance Policy previously adopted by the Rockingham County Board of Commissioners on September 23, 2021. This Policy will remain in place unless further amended or discontinued by the Rockingham County Board of Commissioners in the Board's discretion and/or unless and until updated guidance is released by the U.S. Department of Health and Human Services, the Center for Disease Control and Prevention (CDC), and the Centers for Medicare and Medicaid Services, at which time this Policy may be amended or discontinued, as appropriate. This Policy also may be amended or discontinued, as appropriate, as the COVID-19 pandemic evolves and as guidance and/or requirements are issued by other federal or State of New Hampshire authorities. All facility staff within the Rockingham County Rehabilitation and Nursing Center (regardless of clinical responsibility or resident contact) MUST adhere to this Policy pertaining to Mandatory Outbreak Response Testing, and Mandatory Expanded Screening Testing. For purposes of this Policy, "facility staff" includes employees, consultants, contractors including vendors, volunteers, and caregivers who provide care and services to residents on behalf of the facility, and, if applicable, students in the facility's nurse aide training programs or from affiliated academic institutions. For the purpose of testing, facilities should prioritize those individuals who are regularly in the facility (e.g., weekly) and have contact with residents or staff. For purposes of this Policy, an "outbreak" is defined as a new COVID-19 infection in any healthcare personnel (HCP) or any nursing home-onset COVID-19 infection in a resident of the Rockingham County Rehabilitation and Nursing Center. For purposes of this Policy, "fully vaccinated" refers to a person who is post 14 days following receipt of the second dose in a two-dose series, or post 14 days following receipt of one dose of a single-dose vaccine. For purposes of this policy "Up To Date" refers to a person who has received ALL recommended COVID-19 vaccines, including any booster dose(s) if/when eligible. For purposes of this Policy, "unvaccinated" refers to a person who does not fit the definition of "fully vaccinated," including people whose vaccination status is not known. As noted above, this Policy applies to only Mandatory Outbreak Response Testing and Mandatory Expanded Screening Testing not to (1) other forms of routine COVID-19 testing, including but not limited to a facility staff member's individualized need to undergo COVID-19 testing based on the facility staff member's personal circumstances; or (2) any other testing or interactions with health care providers or testing facilities, including but not limited to visits to healthcare providers or wellness checks.

On August 25, 2020, the Centers for Medicare and Medicaid Services (CMS), a division of the U.S. Department of Health and Human Services (DHHS), published an interim final rule which establishes Long-Term Care (LTC) Facility Testing Requirements for Staff and Residents. This rule requires facilities to test residents and staff for COVID-19 based on parameters set forth by the Health and Human Services Secretary. On April 27, 2021, CMS published a revised version of the interim final rule which provided updated guidance on COVID-19 testing requirements. Testing requirements were updated by CMS on September 10, 2021. The testing is aimed at preventing COVID-19 from entering nursing homes, detecting cases quickly and stopping transmission. CMS and Rockingham County are committed to taking critical steps to ensure our facility continues to respond effectively to the COVID-19 pandemic. On February 2, 2022, due to concerns about increased transmissibility of the SARS-CoV2 Omicron Variant the CDC updated their guidance to enhance protection for healthcare personnel, residents, and visitors and to address concerns about potential impacts on the healthcare system given a surge in

SARS-CoV2 infections. These updates will be refined as additional information becomes available to inform recommended actions.

MANDATORY ENHANCED SCREENING TESTING

Per current state guidelines, when Rockingham County Rehabilitation and Nursing Center is not in COVID-19 Mandatory Outbreak Response Testing as determined by CMS Enhanced Screening Testing for COVID 19 in asymptomatic staff members who are NOT Up To Date with their vaccines (including booster dose(s)), without a known COVID-19 exposure, will occur. Facility staff members who are Up To Date (including booster dose(s)) will not be required to participate in Enhanced Screening Testing. The frequency of Surveillance Testing is determined by the COVID-19 community transmission rate per the CDC in the County of Rockingham as a whole.

The table below determines the COVID-19 level of community transmission:

Determining Transmission Risk

If the two indicators suggest different transmission levels, the higher level is selected

	Low	Moderate	Substantial	High
New cases per 100,000 persons in the past 7 days*	<10	10-49.99	50-99.99	≥ 100
Percentage of positive NAATs tests during the past 7 days**	<5%	5-7.99%	8-9.99%	≥10.0%

Routine testing of staff who are NOT Up To Date will be based on the extent of the virus in the community. Staff who are Up To Date (including booster dose(s)) do not have to be routinely tested. RCR&NC will use the community transmission level as the trigger for staff testing frequency. Reports of COVID-19 level of community transmission are available on the CDC COVID-19 Integrated County View site: <https://covid.cdc.gov/covid-data-tracker/#county-view>. Please see the COVID-19 Testing section on the CMS COVID-19 Nursing Home Data webpage: <https://data.cms.gov/covid-19/covid-19-nursing-home-data> for information on how to obtain current and historic levels of community transmission on the CDC website.

The table below identifies the frequency of routine testing by County COVID-19 level of community transmission:

Level of COVID-19 Community Transmission	Minimum Testing Frequency of Staff <i>who are not up-to-date</i>⁺
Low (blue)	Not recommended
Moderate (yellow)	Once a week*
Substantial (orange)	Twice a week*
High (red)	Twice a week*

⁺Staff *who are up-to-date* do not need to be routinely tested.

*This frequency presumes availability of Point of Care testing on-site at the nursing home or where off-site testing turnaround time is <48 hours.

These guidelines are subject to change as determined by the CDC, CMS and/or DHHS. During Enhanced Screening Testing, the test collection method will be the anterior nares swab.

Notice of Enhanced Screening Testing

When staff who are NOT Up To Date with their COVID-19 vaccines are required to be tested as defined in this Policy, Enhanced Screening Testing will occur for all staff who are NOT Up To Date with their COVID-19 vaccines at the Rockingham County Rehabilitation and Nursing Center. Advance notice of the date(s) and time(s) of Enhanced Screening Testing and the testing timeframe will be provided. Enhanced Screening Testing will be provided on County property.

Testing Location for Enhanced Screening Testing

1. If a staff member who is NOT Up To Date on their COVID-19 vaccines is on-shift during the designated testing timeframe, he/she must be tested on-site at the County.
2. If a staff member who is NOT Up To Date on their COVID-19 vaccines is off-shift during the designated testing timeframe, a rapid test may be performed prior to the start of their next scheduled shift.
3. Staff members testing off-site must obtain prior approval from Human Resources before undergoing the Enhanced Testing Screening if it does not coincide with the frequency of testing set forth by CMS or the CDC. Testing must be at a recognized off-site testing facility. Both rapid and PCR tests are acceptable.
 - a. Contact Human Resources at 603-679-9337 and receive a Pre-Approval for OFF-SITE COVID-19 Testing form from Human Resources prior to testing.
 - b. Receive testing during the provided testing timeframe and use best efforts to obtain an appointment for testing to avoid unnecessary wait time at the recognized off-site testing facility.
 - c. Provide confirming documentation from the testing facility which confirms that testing was performed during the testing timeframe and forward the completed Pre-Approval for OFF-SITE COVID-19 Testing form to Human Resources which confirms the starting and ending time of testing appointment or visit for testing.

d. Forward COVID-19 test results to Human Resources as soon as they are available.

MANDATORY OUTBREAK RESPONSE TESTING

In the event there is an outbreak as defined in this Policy, Mandatory Outbreak Response Testing will occur as outlined in the table below. Facility staff who are either symptomatic or in close contact with a person who tests positive for COVID-19 will have a series of 2 viral tests, including one immediately and a second 5-7 days after exposure. Testing will continue every 3-7 days until no new cases are identified for 14 days.

Testing Trigger	Staff	Residents
Symptomatic individual identified	Staff, <i>regardless of vaccination status</i> , with signs or symptoms must be tested.	Residents, <i>regardless of vaccination status</i> , with signs or symptoms must be tested.
Newly identified COVID-19 positive staff or resident in a facility that can identify close contacts	Test all staff, <i>regardless of vaccination status</i> , that had a higher-risk exposure with a COVID-19 positive individual.	Test all residents, <i>regardless of vaccination status</i> , that had close contact with a COVID-19 positive individual.
Newly identified COVID-19 positive staff or resident in a facility that is unable to identify close contacts	Test all staff, <i>regardless of vaccination status</i> , facility-wide or at a group level if staff are assigned to a specific location where the new case occurred (e.g., unit, floor, or other specific area(s) of the facility).	Test all residents, <i>regardless of vaccination status</i> , facility-wide or at a group level (e.g., unit, floor, or other specific area(s) of the facility).
Routine testing	According to Table 2 below	Not generally recommended

Notice of Mandatory Outbreak Response Testing

Identified facility staff members will receive advanced notice of the date and time of the Mandatory Outbreak Response Testing and the 24-hour testing timeframe pertaining to the Mandatory Outbreak Response Testing, and the Mandatory Outbreak Response Testing will be provided on County property. If a facility staff member (as previously defined) is off-shift during the Mandatory Outbreak Response Testing, a rapid test will be performed upon arrival of their next scheduled shift. Facility staff members must wait in the lobby entrance and may NOT enter the nursing home until test is completed.

Timecard Guidance for ALL Mandatory Testing

1. Facility staff members who are Rockingham County employees, as well as contracted workers, who are not Up To Date with their COVID-19 vaccines will only be paid by their respective employers for the time they spend on-site awaiting and undergoing testing, or with prior approval from Human Resources if unable due to extenuating circumstances to come to Rockingham County, at a recognized off-site testing facility awaiting and undergoing testing.
2. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are on-shift during the testing timeframe shall receive the testing on-site at the County and remain punched in and not perform any additional time clock punches until either the end of their scheduled shift or at the conclusion of their test, whichever is later.
3. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are off-shift and come on-site for testing must punch in at the Kronos time clock located in the café upon arrival at the County and prior to getting in line to be tested. Immediately after receiving testing, off-shift Rockingham County non-exempt employees, as well as non-exempt contracted workers, should punch out at the Kronos time clock located in the café, unless that out punch would occur after the start of a scheduled shift for the non-exempt employee or non-exempt contracted worker in question. In this specific instance, the individual should just report for their scheduled shift and not punch out.
4. Rockingham County salaried-exempt employees per their specific timekeeping policy, and any salaried-exempt contract workers, should not punch for their time while undergoing testing because these individuals are already compensated for their time.
5. Rockingham County non-exempt employees or non-exempt contracted workers awaiting and undergoing testing at a recognized off-site testing facility will only be paid from their check-in time at the recognized off-site testing facility through the check-out time after testing has been completed. As noted above, proof of this information must be provided to Human Resources and will be required to ensure and maintain accurate records for payroll or accounts payable purposes.
6. To the extent that any NOT Up To Date with their COVID-19 vaccines facility staff member is a Rockingham County employee and also a bargaining unit member subject to a current collective bargaining agreement (CBA) which contains call-back provisions which are applicable to this Testing, the applicable provisions of the CBA would govern any payment due to the bargaining unit member in question.

Cost of Testing

As noted above, facility staff members, who are NOT Up To Date with their COVID-19 vaccines, must receive Mandatory Enhanced Screening Testing on-site at Rockingham County, unless they are unable to do so due to extenuating circumstances. If the facility staff member is a Rockingham County employee and has received prior approval from Human Resources to test at an off-site facility due to an extenuating circumstance, he/she must coordinate the following with Human Resources to obtain reimbursement for any out-of-pocket expenses for Testing:

- a. Rockingham County employees who maintain health insurance through the County must submit the claim for the off-site COVID-19 testing through the insurance carrier. An Explanation of Benefits (EOB) and an itemized receipt for out-of-pocket expenses associated with the asymptomatic COVID-19 Testing must be provided to Human Resources as soon as it becomes available.
- b. Rockingham County employees who do not maintain health insurance through the County but have health insurance through other group health coverage must submit the claim for the offsite COVID-19 testing through the insurance carrier. An Explanation of Benefits (EOB) and an itemized receipt for out-of-pocket expenses associated with the COVID-19 Testing must be provided to Human Resources as soon as it becomes available.
- c. Rockingham County employees who do not have health insurance must submit an itemized receipt for out-of-pocket expenses associated with the asymptomatic COVID-19 Testing along with a written attestation confirming the absence of health insurance to Human Resources as soon as it becomes available.

The costs associated with COVID-19 Testing for facility staff members who are NOT UP To Date on their COVID-19 vaccines, who are not Rockingham County employees, but rather a contracted worker who is employed by a Vendor or a third party (such as persons who serve as Agency workers or Travelers), and who test offsite due to extenuating circumstances will be borne by the applicable Vendor or third party, and not by Rockingham County

Communications with Human Resources for Individuals in Leave Status

If you are in a leave status or on approved time off during the week of Mandatory Enhanced Screening Testing a rapid test will be performed upon arrival to their next scheduled shift.

Consequences of Refusal to Undergo ALL Mandatory Testing

If a facility staff member refuses to undergo Mandatory Testing, he/she will need to remain out of the facility and contact Human Resources at 603-679-9337 and speak to an HR representative for guidance on returning to work. If he/she is able to work from home and his/her O/DD approves, he/she will be expected to do so during this time. As applicable, the facility staff member must utilize his/her own Rockingham County accrued time until he/she is cleared to return to work. If the facility staff member has exhausted his/her Rockingham County accruals, the time away from the facility will be unpaid and the facility member will be expected to pay the employee's share of applicable health insurance premiums. The resulting absences are not to be considered disciplinary in nature unless the facility staff member willfully neglects his/her obligation to receive the Testing, and the County determines that this neglect prohibits the facility staff member from performing their essential job functions resulting in an undue hardship on the County. The facility staff member must contact Human Resources upon refusal of the Test to confirm the facility staff member's status, as set forth above, during the facility staff member's time out of the facility. The facility staff member will also need to contact Human Resources prior to returning to work.