



January 7, 2021

## **New York State Department of Health Issues Updated Protocols for Personnel in Healthcare and Other Direct Care Settings to Return to Work Following Covid-19 Exposure**

On December 2, 2020, the Centers for Disease Control and Prevention ("CDC") provided options for persons exposed to COVID-19, and without symptoms, to shorten the recommended quarantine period. On December 26, 2020, the New York State Department of Health ("DOH") updated its guidance on release from quarantine for persons exposed to COVID-19 to align with certain requirements in the CDC guidance. In a separate guidance, the DOH also revised its protocols for personnel in healthcare and other direct care settings to return to work following COVID-19 exposure, or travel, to align with the CDC guidance.

### **Guidelines**

Due to the surge in COVID-19 cases, and the expectation of increased hospitalizations until the number of people vaccinated reaches critical mass sometime in September 2021, there is an increased possibility of exposure for health care personnel ("HCP") that may affect staffing levels. To balance the risk of further exposure among hospital staff and staffing shortages, New York State issued the following revised guidelines for return to work for HCP, whether direct care providers or other staff who have been exposed to a confirmed case of COVID-19, but are asymptomatic:

- Asymptomatic HCP who have been exposed to a confirmed or suspected case of COVID-19 within the past 10 days may return to work after 10 days of quarantine, without testing, provided they have no symptoms during the quarantine period, and:
  - HCP continue daily monitoring of symptoms through day 14;
  - HCP are counseled to continue strict adherence to hand hygiene and use of face coverings;
  - HCP are advised that if any symptoms develop, they must immediately self-isolate and contact the local health authority or healthcare provider.
  
- HCP returning from travel to a non-contiguous state, or a territory subject to a CDC level 2 or higher COVID-19 risk assessment, are subject to the above guidelines.
  
- In addition, HCP who travel to a non-contiguous state must adhere to the essential worker requirements in the [DOH's November 3, 2020 travel guidance](#) when not at work, and must seek diagnostic testing on day 4.
  
- HCP at nursing homes and adult care facilities certified as EALRs or ALPs who were exposed to COVID-19 may be released from quarantine according to these guidelines, but must remain furloughed from work for 14 days.

This guidance does not apply to HCP who are known or suspected to have COVID-19 and are in isolation.

HCP who are furloughed due to contact with a known positive case, or who do not meet the above conditions to return to work, may qualify for paid sick leave benefits. Their employers can provide them with a letter confirming the need to quarantine, which can be used to show eligibility for paid sick leave benefits. However, employees are not eligible for paid sick leave benefits under the New York COVID-19 paid sick leave law if they engage in voluntary travel to a non-contiguous state or to a level 2 or higher country.

### **Takeaway for Employers**

Employers of HCP and other direct care settings should adhere to the revised DOH guidelines for return to work following exposure to COVID-19 for asymptomatic employees.

If you have any questions regarding this alert, please do not hesitate to contact us.

**[PUTNEY, TWOMBLY, HALL & HIRSON LLP](#)**

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