

Date: January 28, 2022

To: All DD Waiver, Mi Via Waiver, Medically Fragile Waiver, Supports Waiver, State General Fund Agencies and Stakeholders

From: Jason Cornwell, Director
 Developmental Disabilities Supports Division



Subject: DDSD Direction regarding Work Restrictions for Healthcare Professionals With SARS-CoV-2 (COVID-19) Infection and Exposure

In a previous directive, the Developmental Disabilities Supports Division authorized provider agencies to request approval from DDSD to utilize asymptomatic COVID-19 positive Direct Support Professionals to work with COVID-19 positive individuals. That guidance is changing.

In recognition of the staffing shortages impacting the delivery of services across the country generally and in our state in particular, effective immediately and for the duration of the Public Health Emergency, NMDOH DDSD is adopting current and future iterations of the CDC [Interim Guidance for Managing Healthcare Personnel with SARS-CoV-2 Infection or Exposure to SARS-CoV-2 | CDC](#) with respect to Work Restrictions for Healthcare Professionals who have contracted or been exposed to COVID-19.

This direction applies to all Waivers and Programs regulated by DDSD.

Work Restrictions for HCP With SARS-CoV-2 Infection and Exposures
 "Up to Date" with all recommended COVID-19 vaccine doses is defined in [Stay Up to Date with Your Vaccines | CDC](#)

For more details, including recommendations for healthcare personnel who are immunocompromised, have severe to critical illness, or are within 90 days of prior infection, refer to [Interim Guidance for Managing Healthcare Personnel with SARS-CoV-2 Infection or Exposure to SARS-CoV-2](#) (conventional standards) and [Strategies to Mitigate Healthcare Personnel Staffing Shortages](#) (contingency and crisis standards).


Work Restrictions for HCP With SARS-CoV-2 Infection

Vaccination Status	Conventional	Contingency	Crisis
Up to Date and Not Up to Date	10 days OR 7 days with negative test ¹ , if asymptomatic or mild to moderate illness (with improving symptoms)	5 days with/without negative test, if asymptomatic or mild to moderate illness (with improving symptoms)	No work restriction, with prioritization considerations (e.g., types of patients they care for)

Work Restrictions for Asymptomatic HCP with SARS-CoV-2 Exposures

Vaccination Status	Conventional	Contingency	Crisis
Up to Date	No work restrictions, with negative test on days 1 ² and 5-7	No work restriction	No work restriction
Not Up to Date	10 days OR 7 days with negative test ¹	No work restriction with negative tests on days 1 ² , 2, 3, & 5-7 (if shortage of tests prioritize Day 1 to 2 and 5-7)	No work restrictions (test if possible)

¹Negative test result within 48 hours before returning to work
²For calculating day of test: 1) for those with infection consider day of symptom onset (or first positive test if asymptomatic) as day 0; 2) for those with exposure consider day of exposure as day 0

 cdc.gov/coronavirus

If an Agency Executive Director or Employer of Record determines that they are experiencing staffing shortages, they may utilize Direct Support Professionals or Staff who have been infected or exposed to COVID-19 as defined by the CDC chart above. Authorization to utilize staff in a response to staffing shortages does not require prior approval from DDS.

In the event provider agencies or employers of record utilize contingency or crisis strategies, agencies and employers of record must:

- Make the best decision possible to minimize risk for the individuals in service and the staff member; for example the individual's medical acuity and level of support need should be factored into decision making
- Notify all interdisciplinary team members including the guardian

All GER reporting requirements for COVID-19 infections amongst individuals in services remain in effect.

Reminder: Agencies that are faced with the possibility of "combining homes" (meaning exceeding current ratios established by the Waiver Standards) due to Staffing shortages, must do the following:

- Contact your respective Regional Office Director to seek approval prior to the moves.
- Notify all interdisciplinary team members.
- Assure that all Direct Support Professionals Individual Specific Trainings (IST) are completed.

Please contact the Bureau of Behavioral Support (BBS) Crisis line (505-250-4292) for after-hours business support when relocating individuals with behavior support needs.

To be clear, the decision to move from "Conventional to Contingency" strategies, and from "Contingency to Crisis" strategies in the management of Healthcare Personnel is made by agency executive leadership or the employer of record. Agency Executive Leadership and the Employer of Record must consider the Center of Disease Control's [Strategies to Mitigate Healthcare Personnel Staffing Shortages | CDC](#) when contemplating these decisions.

Agencies or employers of record of utilizing "Conventional to Contingency to Crisis" staffing will not face contract management action from DDS or DHI provided agencies and employers of record conform to the directives of this letter. Also, this letter of direction should be in no way be construed as a waiver of liability.

Excerpted from the CDC Guidance:

"CDC's mitigation strategies offer a continuum of options for addressing staffing shortages. Contingency, followed by crisis capacity strategies, augment conventional strategies, and are **meant to be considered and implemented sequentially** (i.e., implementing contingency strategies before crisis strategies). For example, if, despite efforts to mitigate, HCP staffing shortages occur, healthcare systems, facilities, and the appropriate state, local, territorial, and/or tribal health authorities might determine that certain HCP with suspected or confirmed SARS-CoV-2 infection should return to work before the full conventional [Return to Work Criteria](#) have been met."

Please make sure to stay up to date on direction and guidance from the CDC as direction and guidance is fluid and subject to change.

If you have questions, please contact the following DDSD Staff:

- Regional Office Director(s)
 - Metro: Michael Driskell (michael.driskell@state.nm.us)
 - NWRO: Michele Groblebe (michele.groblebe@state.nm.us)
 - NERO: Angela Pacheco (angela.pacheco@state.nm.us)
 - SERO: Michelle Lyon (michelle.lyon@state.nm.us)
 - SWRO: Angie Brooks (angie.brooks@state.nm.us)
- Regional Office Bureau Chief, Angie Brooks (angie.brooks@state.nm.us)
- Deputy Director, Scott Doan (scott.doan@state.nm.us)

Additional Resources:

- NM DOH COVID-19 Site: <https://cv.nmhealth.org/>
- DDSD COVID-19 Site: <https://nmhealth.org/about/ddsd/diro/ddcv/>
- NM DOH COVID-19 Safe Practices: <https://cv.nmhealth.org/covid-safe-practices/>
- Report a Public Health Order Violation: <https://www.newmexico.gov/2020/03/25/how-to-report-non-compliance-within-a-business-a-violation-of-the-mass-gatherings-ban-or-other-violations-of-the-public-order/>
- NM DOH COVID-19 Vaccine General Information: <https://cv.nmhealth.org/covid-vaccine/>
- NM DOH COVID-19 Vaccine Site: <https://cgvaccine.nmhealth.org/>
- New Mexico Notify [NM Notify | Help New Mexico Stop The Spread](#)
- Vault COVID-19 Testing Resource learn.vaulthealth.com/nm/.
- COVID-19 testing at Curative sites, which can be located through the NMDOH website: <https://findatestnm.org/>
- New Mexico Crisis and Access Line | www.nmcrisisline.com
- Crisis and Access Line | 1-855-NMCRISIS | 1-855-662-7474
- Peer-to-Peer Warmline | 1-855-4NM-7100 | 1-855-466-7100
- Healthcare Worker and First Responder Support Line | 1-855-507-5509
- Link to free at home testing kits <https://www.covidtests.gov/>



The banner features the NMDOH logo on the left, which includes the text 'NMDOH' and 'NEW MEXICO DEPARTMENT OF HEALTH'. To the right of the logo, the text reads: 'Do you want to pre-register for your COVID-19 Vaccine? Visit **cvvaccine.nmhealth.org** to register today.'