



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 19, 2020

Re: CPSO DAL 20-01
Guidance for Nursing Homes on
Managing Resident Deaths
During the COVID-19 Outbreak

Dear Nursing Home Administrator:

Due to the COVID-19 public health emergency, the New York State Department of Health (DOH) is distributing the following guidance to assist nursing homes in processing the removal of decedents. This guidance is intended for nursing homes that may be experiencing an increase in resident deaths, as well as nursing homes that may be relying upon new staff to perform this sensitive responsibility.

Proper management and documentation are critical to avoid delays in decedent retrieval. Nursing homes must ensure that all requirements are met until either a funeral director, or the Office of the Chief Medical Examiner (OCME-in New York City) or county coroner (coroner physician, if the county coroner is not a physician), or medical examiner (for counties outside of New York City) takes custody of the decedent.

To ensure the most appropriate removal of decedents from the facility, your facility should consider the following practices:

- Whenever possible, family members should identify a funeral firm on admission. If a pre-planned funeral contract has been executed, this should be indicated, and the nursing home should contact the family and the identified funeral director. Family should always be notified prior to calling the funeral home.
- Attach a form of identification to the body if there is not an identification wrist band (e.g. toe-tag)
- The decedent should be placed in a body bag or pouch prior to moving the body to any other location or release to a funeral director or coroner/coroner physician/medical examiner. Note that in the five boroughs of New York City, the decedent must be placed in a body bag or human remains pouch. Outside of New York City, nursing homes must contact the county for requirements.
- Matching identification should always be attached to the outside of the body bag or pouch.
- Personal effects such as eyeglasses, dentures and hearing aids should be bagged and labeled for the funeral firm and placed next to the body, in accordance with the guidance provided in DAL 20-04. All other personal effects should be retained for the family. If OCME or the coroner/coroner physician/medical examiner is making a removal, the nursing home will retain custody of the decedent's personal effects. Please also refer to a Dear Administrator Letter (DAL 20-04) issued by the Bureau of Funeral Directing regarding the proper tracking, storage and handling of personal effects.

- Any necessary paperwork for release of the remains should be completed prior to contacting the funeral firm or medical examiner.
- If the facility has a morgue or holding area, the personal effects should remain at the location where the decedent will be signed out and a property form or receipt prepared for either the family or the funeral home.

In cases where there is no funeral provider selected by the family, the nursing home should process decedent retrieval as follows:

- For deaths occurring in the five boroughs of New York City, the OCME has prepared a checklist to assist nursing homes and long-term care facilities with the process of managing decedents. For instances of natural death with a physician-signed death certificate, nursing homes should release decedents to funeral directors. Cases of forensic significance (i.e. homicides, suicides, and accidents, including falls) should be reported to OCME using normal reporting procedures. Full descriptions of what cases fall under OCME jurisdiction can be found here: www.nyc.gov/ocmereportacase.
 - For natural deaths, please note that if a funeral director cannot pick up a decedent within 48 hours, and the nursing home lacks refrigeration, the nursing home should contact the OCME so a priority pickup can be arranged. All required paperwork must be completed and submitted to the OCME. To expedite resolution, it is critical that nursing homes complete documentation accurately and completely. The OCME has prepared a checklist to assist nursing homes with this process. The most recent OCME checklist is attached. Updated guidance will be distributed as it becomes available.
- Outside of New York City, county requirements vary. Each county has either a Medical Examiner or a Coroner. In some locations, all deaths must be reported to the county. In other counties this is not required. Nursing homes should be aware of the requirements for individual counties. Questions about practices for each county can be referred to local authorities.
- Once the decedent is prepared for transport, (i.e. pouched and labeled) the body may be released to the county authority or the OCME as appropriate. Note that as previously mentioned, a decedent must be in a body bag or human remains pouch to be accepted for transport by the OCME. In some counties, the coroner or medical examiner may contract with a local funeral provider for transportation. However, the facility should still reflect in their records that the remains were released to the county authority.

Nursing Homes should provide guidance to families that includes the following:

- On admission, a family should indicate the funeral firm of choice.
- Families should leave clear instructions for the facility regarding the handling of personal effects upon death. DAL 20-04 issued by the Bureau of Funeral Directing contains important information for families about precautions for handling personal effects and this information should be communicated to families
- Families should be advised of the facility policies regarding death notification and any restrictions on whether the family may come to the facility when the death occurs.
- It should be made clear to the family that if no funeral firm is selected, the decedent will be released to the county authority or in the case of deaths occurring in the five boroughs of New York City, to the OCME.

- In New York City, when in communication with a funeral home, the nursing home should request that they give a date when the decedent will be picked up. If it is more than 48 hours and there is no refrigeration available at the nursing home, they should communicate to the funeral home **and** family that they will need to submit for OCME removal.

In addition to following these best practices, Nursing Homes must in all cases:

- Contact the decedent's family members as soon as possible, but in no case later than 24 hours of the decedent becoming deceased. Governor Cuomo recently signed two Executive Orders in relation to communication with family members. The relevant portion of Executive Order 202.18 provides that any skilled nursing facility, nursing home, or adult care facility licensed and regulated by the Commissioner of Health shall notify family members or next of kin for all residents if any resident tests positive for COVID-19, or if any resident suffers a COVID-19 related death, within 24 hours of such positive test result or death. Financial penalties may be assessed for violations, pursuant to Executive Order 202.19.
- Allow visitation of the decedent's body and assure that proper infection control practices, including face covers are followed for all persons involved.

OCME's responsibility as the City mortuary includes caring for all remains in their custody with dignity and respect. If their loved one is transferred to OCME, families will have at least 15 days to have a funeral firm pick them up from the OCME facilities before OCME will start the process for City Burial. If a family requires additional time to make arrangements, they can be granted an extension.

As new guidance and information becomes available the most current information will be posted on the Department's Novel Coronavirus (COVID-19) website at:
<https://www.health.ny.gov/diseases/communicable/coronavirus/>

General questions about the issues in this advisory can be directed to the Division of Nursing Homes and ICF/IID surveillance at covidnursinghomeinfo@health.ny.gov. If you have any questions about the practices for your specific county, please contact them directly. Due to the volume of deaths in the five boroughs of New York City, the OCME cannot respond to inquiries directly, but you may work through your association for any questions or concerns. Questions or complaints about the practice of funeral directing can be directed to the Department of Health Bureau of Funeral Directing at 518-402-0785 or by email at funeral@health.ny.gov.

Sincerely,

MARK HENNESSEY
DIRECTOR
Center for Health Care
Provider Services and Oversight