

# Responding to Staffing Shortages in Hospitals and Nursing Homes

As emergency medical services (“EMS”), hospitals and nursing homes across the nation struggle with staffing shortages due to COVID-19, we are seeing an increasing trend in other states to allow asymptomatic staff who have tested positive to continue to work in hospitals and nursing homes. The Oklahoma State Department of Health (“OSDH”) would like to encourage facilities to take such measures only as a last resort. We strongly encourage these facilities to review their emergency response and staffing plans to ensure they are adequately staffed and able to provide safe patient and resident care and provide a safe work environment for their health care professionals (“HCP”). Staffing shortages may occur due to HCP exposure, illness, or the need to care for ill-family members. Facilities should make every effort to ensure adequate staffing levels, including but not limited to:

- Recruiting/utilizing staff from contract agencies;
- Recruiting/utilizing temporary and student staff pursuant to the [Centers for Medicaid and Medicare Services \(“CMS”\) waiver for training and certification of nurse aides](#);
- Transferring residents to [alternate care sites](#) with adequate staff;
- As a last resort, allowing asymptomatic staff to continue to work as long as they strictly adhere to the [CDC Interim U.S. Guidance for Risk Assessment and Work Restrictions for Healthcare Personnel with Potential Exposure to COVID-19](#); [CDC Strategies to Mitigate Healthcare Personnel Staffing Shortages](#); and the [CDC Criteria for Return to Work for Healthcare Personnel with SARS-CoV-2 Infection](#) (Interim Guidance);
- In the event that the facility allows asymptomatic staff to continue working, the facility should maximize its efforts to ensure that this practice is used to the minimal extent possible and should maintain all efforts to pursue adequate staffing with individuals who have not tested positive and are not asymptomatic;
- Hospitals should adhere to the [CDC’s Interim U.S. Guidance for Risk Assessment and Work Restrictions for Healthcare Personnel with Potential Exposure to COVID-19](#);
- Nursing facilities, assisted living facilities and long-term care facilities should adhere to the [CDC’s guidance on Preparing for COVID-19 in Nursing Homes](#); [Responding to COVID-19 in Nursing Homes](#); [Considerations for Memory Care Units in Long-Term Care Facilities](#); [Considerations for Preventing Spread of COVID-19 in Assisted Living Facilities](#); and
- EMS should adhere to the CDC’s [Interim Recommendations for Emergency Medical Services \(EMS\) Systems in the United States During the Coronavirus Disease \(COVID-19\) Pandemic](#).

This guidance does not constitute a waiver of any requirements for compliance with CMS rules or regulations by OSDH. If facilities have questions, they are encouraged to seek the advice from their own legal counsel.