

OPWDD's Emergency Regulation 14 NYCRR Section 633.26
Mandatory Face Coverings in OPWDD Certified Services and Facilities

On September 16, 2021, OPWDD issued emergency regulations (14 NYCRR §633.26) requiring all agencies providing services or operating facilities that are certified or operated by OPWDD to require all staff, volunteers, contractors, vendors, visitors and individuals receiving services to wear appropriate face coverings consistent with any directives issued by OPWDD and consistent with guidance from the Centers for Disease Control and Prevention (CDC), to slow the spread of COVID-19 and to protect the individuals served by OPWDD and OPWDD providers and the staff that support them. On September 17, 2021, OPWDD issued revised Post-Covid Emergency Guidance which addressed the new regulation. The following Q&A provides additional specific guidance for implementation.

- Do staff members have to wear a mask at all times while working inside a certified setting or while delivering a certified service?

Staff, whether or not they are vaccinated, are required to wear a mask at all times unless doing so would create a risk to workplace health, safety, or job duty, as determined by an Occupational Health and Safety Administration workplace risk assessment, or in circumstances outlined in this document. Masks do not need to be worn for meal breaks.

- Do the same masking requirements apply to volunteers, contractors, vendors, or visitors of a certified setting?

All volunteers, contractors, vendors, and visitors are required to wear a mask while inside a certified setting regardless of vaccination status.

- Are individuals who are unable to tolerate wearing a mask required to wear a mask?

Implementation of mask requirements are subject to compliance with the Americans with Disabilities Act. Individuals who cannot tolerate wearing a mask because of medical concerns or due to their disability are not required to wear a mask.

- Do individuals who reside in certified residential setting have to wear a mask while congregating at home?

Pursuant to the most recent CDC guidance, individuals living in congregate care settings are at greatest risk of transmission, serious illness and death due to COVID-19. Individuals living in certified residential facilities should be strongly encouraged to wear masks while in their certified residential setting under the following circumstances *when social distance cannot be maintained* within the home:

- In communities with a high or substantial transmission rate, as identified by the CDC, regardless of vaccination status;
- For Individuals who have reduced immunity due to a medical condition or medication, regardless of vaccination status; and
- For Individuals who are unvaccinated.

- Do individuals who reside in certified residential settings have to wear a mask while in their room?

Masks do not need to be worn by individuals when they are spending time alone in their room. Individuals who share rooms should apply the same considerations as above when they are unable to maintain social distance.

- Do individuals who reside in certified residential settings have to wear a mask while asleep?

Individuals do not need to wear masks while sleeping. In shared bedrooms, however, efforts should be made to create social distance between sleeping spaces to the extent possible.

- Do individuals or staff have to wear a mask while eating in a certified residential setting?

Individuals and staff are not required to wear masks when eating. However, individuals and staff should maintain social distance (6 feet) when possible while dining.

- Do individuals have to wear masks while outdoors?

OPWDD regulations do not require the use of masks outdoors, but we suggest that agencies providing services or operating facilities that are certified or operated by OPWDD refer to the CDC for specific guidance regarding wearing masks outdoors.

- What are the mask requirements in family care homes?

Family care providers and individuals residing in family care homes should be strongly encouraged to wear a mask under the same circumstances as those in other certified residential settings; however, masks are not required. Non-household members such as visitors, volunteers, vendors, and contractors should wear masks while in the family care home regardless of vaccination status.

- What are the mask requirements in Supportive IRAs?

Staff who work in supportive IRAs are required to wear masks. Individuals residing in supportive IRAs should be strongly encouraged to wear a mask under the same circumstances as those in other certified residential settings when unable to maintain social distancing from others. Visitors, staff, volunteers, vendors, and contractors should wear masks while in the supportive IRA regardless of vaccination status.

- Do individuals receiving certified non-residential services have to wear a mask?

Individuals receiving certified non-residential services must wear masks, to the extent they can tolerate one, when they are unable to maintain social distancing.