

**Date:** March 9, 2021

**To:** DD Waiver Supported Living and Intensive Medical Living Service Providers

**From:** Scott Doan, Deputy Director  
Developmental Disabilities Supports Division



**Through:** Jason Cornwell, Acting Deputy Cabinet Secretary  
New Mexico Department of Health



**Subject:** DDSD Indoor Visitation Requirements for Court-Appointed Guardians and Conservators

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In order to report to the court and fulfill their legal duties, court-appointed guardians and conservators need to have access to the protected person(s) for whom they have been appointed, in order to accurately assess the living situation and overall well-being of the protected person(s).

**Effective March 15, 2021, all Supported Living (SL) and Intensive Medical Living Service (IMLS) provider agencies must work with court-appointed guardians and conservators to facilitate monthly visitation, or the appropriate recurrence requested by the guardian or conservator, and to schedule a date and time for the visit.** Court-appointed guardians and conservators are defined as any

corporate/professional guardianship agency or any person appointed by the courts to serve in the role as guardian and/or conservator. The SL, IMLS agency, and the guardian or conservator must adhere to the following requirements throughout the entirety of the visit:

**Stay Home if You are Sick:**

- Court-appointed guardians and/or conservators must stay home and not conduct indoor visits if they have been exposed to COVID-19 in the last fourteen (14) days or are showing COVID-19 [symptoms](#). Anyone who has had [close contact](#) with a person who has COVID-19 should also stay home and monitor their health.

**Scheduling Court-Appointed Guardian and/or Conservator visits:**

- All court-appointed guardian and/or conservator visits must be scheduled at least twenty-four (24) hours in advance.
- Each provider agency must establish a point of contact, who has authority to schedule court-appointed guardian and/or conservator visits, e.g. Service Coordinator, House Supervisor, etc.
- Agencies must work with court-appointed guardians and/or conservators to facilitate monthly visitation, or the appropriate recurrence requested by the guardian or conservator, and to schedule a date and time for the visit. The provider agency and the court-appointed guardian must agree on the date and time that the indoor visit will occur, based upon the number of

individuals receiving services in the home, staff available during the time of the proposed visit, and ability to implement appropriate disinfection between visits.

- The agency must allow guardians and/or conservators to view the living area, kitchen area, bedroom and bathroom, etc., of the protected person.
  
- Prior to any court-appointed guardian and/or conservator entering the home, the provider agency must perform screening including symptom and temperature check. Screening requirements of court-appointed guardians and or conservators must include the following:
  - Ask the court-appointed guardian and/or conservator if they have a fever (above 100.4) and confirm by taking their temperature using a temporal thermometer.
  - Ask the court-appointed guardian and/or conservator “Have you felt like you had a fever in the past day?”
  - Ask the court-appointed guardian and/or conservator “Do you have a new or worsening cough today?”
  - Ask the court-appointed guardian and/or conservator, “Do you have any of these other symptoms?”
    - Shortness of breath or difficulty breathing
    - Fatigue
    - Muscle or body aches
    - Headache
    - New loss of taste or smell
    - Sore throat
    - Congestion or runny nose
    - Nausea or vomiting
    - Diarrhea
  - If the answer is “Yes” to any of these questions, the visit will not be allowed.
  - If the answer is “No” to each of these questions, the visit may proceed.
- Court-appointed guardian and/or conservator visits must adhere to the mass gathering requirements of the current Public Health Order for the respective county they are visiting.
- If any individual (person served) in the home tests positive for COVID-19; the court-appointed guardian and/or conservator visit must be cancelled.
- Agencies are to keep visitor logs (visitor logs will assist with contact tracing in the event of a COVID-19 positive case).
- Agencies must assure that core principles of COVID-19 Infection Prevention are followed throughout the visit.

**Court-appointed guardians and/or conservators must wear a face mask/face covering following guidelines from the Centers for Disease Control and Prevention:**

- Court-appointed guardians and/or conservators must wear a face mask and/or face covering throughout the entirety of the visit. The face mask/covering must be worn properly (covering the nose and mouth with a tight fit) throughout the duration of the visit. The mask/covering cannot be removed during the visit. A face shield alone is not an acceptable means of face covering.
- Court-appointed guardians and/or conservators who refuse to wear a face mask/face covering will be asked to leave the home; and a report of non-compliance will be filed with the DDSD Regional Office (agencies are to file the report by calling, emailing, or sending an scomm to the Regional Office).
- Court-appointed guardians and/or conservators must follow COVID-19 Safe Practices at <https://indd.adobe.com/view/3f732e94-0164-424d-9ac6-a0ace27e70c8>

**Social Distancing Enforcement:**

- Court-appointed guardians and/or conservators must maintain social distancing to the extent possible while conducting the visit in the home.
- No more than one court-appointed guardian and/or conservator may conduct a visit in the home at the same time.
- Minimize gestures that promote close contact. For example, don't hug or shake hands; wave and verbally greet them.

If you have questions, please contact your respective Regional Office Director or Scott Doan at [scott.doan@state.nm.us](mailto: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://cvvaccine.nmhealth.org/>



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?" followed by "Visit **cvvaccine.nmhealth.org** to register today." The website name is highlighted in a yellow box.