May 10, 2020

Steven F. McLaughlin  
Rensselaer County Executive  
Rensselaer County Office Building – 5th Floor  
1600 7th Ave, Troy, NY 12180

Dear County Executive McLaughlin:

We are in receipt of your May 1st correspondence regarding Diamond Hill Nursing and Rehabilitation Center.

Federal and state rules and regulations are clear that if a nursing home is not medically prepared to meet a patient’s needs, they must not take the patient and should contact the Department for assistance with placement. State and federal law require nursing homes to adhere to appropriate safety measures with respect to COVID-19, including having protocols in place to separate residents into cohorts of positive, negative, and unknown, as well as separate staffing teams to provide care to COVID-positive residents and non-positive residents, in order to minimize risk. Nursing home facilities should transfer residents within a facility, to another long-term care facility, or to another location if they are unable to successfully separate out patients in individual facilities.

We have been in frequent communication with Diamond Hill Nursing and Rehabilitation Center and they have attested to the department that they are in full compliance with state and federal guidelines and have stated unequivocally that they are in need no further assistance at this time.

The Department performed a visit on April 10th, which did not identify infection prevention and control deficiencies. Following that visit, the Department also conducted an unannounced, onsite, focus survey at Diamond Hill Nursing and Rehabilitation. On April 20th, conducted by a team of Department of Health nursing home surveillance staff. On May 2nd the Department facilitated a call with St. Peter’s Health Partners (SHP) and Rensselaer County Health Department regarding this facility. During the week of May 4th, SPHP conducted an infection control risk assessment of Diamond Hill independently of the Department’s efforts.

Today, once again, the Department contacted the facility and the facility reconfirmed that it was complying with federal and state law by Ms. Clara Tryon, the Administrator.

The Department has offered all levels of assistance, including offers to transfer residents, additional access to personal protective equipment (PPE) and staffing resources -- despite these offers as recently as this morning, Diamond Hill declined our offer, stating that they have enough PPE, have no need to transfer residents, are operating with the appropriate
staffing levels, and had their residents cohorted based on covid-19 status. Diamond Hill further attested that they are in full compliance with all DOH directives in that regard, stating that they have tested all the residents of the facility and have tested all of their staff, sometimes multiple times, to assure that they have appropriate infectious control procedures in place.

The Department will continue to monitor the situation at Diamond Hill Nursing and Rehabilitation and will continue to provide support to ensure that adequate care is being provided to the residents, including appropriate resident placement, in coordination with the county.

Should you have further questions or concerns, please contact Ms. Estibaliz Alonso, Assistant Commissioner for Government and External Affairs, at (518) 473-1124.

Sincerely,

Howard A. Zucker, M.D., J.D.
Commissioner of Health