

**The Appropriations, Human Services and Public Health Committees
Virtual Listening Session, September 2, 2020
Testimony submitted by Joelen J. Gates, Connecticut Legal Services**

**Allow Indoor Visitation for Support Persons in Nursing Homes
and Chronic Disease Hospitals**

My name is Joelen Gates and I am an attorney with Connecticut Legal Services (CLS) in Willimantic, Connecticut. I provide legal assistance to low-income elderly people, including nursing home residents. A broad coalition of advocates for older adults and people with disabilities has asked the Acting Commissioner of the Department of Public Health to expand opportunities for all nursing home residents and patients in chronic disease hospitals to visit with close family members and caregivers indoors, as well as outdoors.

While the impact of Covid-19 on nursing homes has been tragic, the isolation imposed on residents has also caused much suffering, sometimes leading to death. We have all seen the importance of the basic need for human connection to friends and family during this pandemic. That need is no different for disabled people in all congregate settings, including nursing homes. Furthermore, visitors to nursing home residents often provide vital care to their loved ones. That is why the legal right to visitation is enshrined in the Nursing Home Reform Act.

Nursing homes have a legal obligation to provide services to enable residents to “attain or maintain the highest practicable physical, mental and psychosocial well-being.” 42 U.S.C. §1396r(d)(1). Visits from close family members are the critical, and irreplaceable, component to meeting their “physical, mental and psychosocial well-being.” Currently the Department of Public Health (DPH) only allows in- person visits outdoors for a minimum of 30 minutes and very limited visits indoors. A doctor or APRN must certify that the resident is experiencing a significant decline, failing to thrive or dying before a family member or support person can visit indoors. That is too little too late. Visits with family members should be encouraged to maintain the physical, mental and psychosocial health of residents, not delayed until the resident is declining. Residents need contact with loved ones to keep up their spirits and give them something to live for. In many cases, they also need help with feeding or other needs that visitors were regularly providing before the pandemic struck.

The coalition of advocates and family members proposed the following standards for indoor visitation in nursing homes and chronic disease hospitals:

- There shall be indoor visiting for support persons¹ at every nursing home in Connecticut, so long as there are no new COVID-19 positive tests in the facility in the last 14 days and the community transmission rate is low. The implementation of this can vary from facility to facility.

¹ Support Persons are defined in the DPH order governing visitation in hospitals. However, in light of the additional obligations of the state and facilities under the Nursing Home Reform Act, this needs to be modified to include individuals who are needed to address the physical, mental, and psychosocial well-being of residents. Perhaps a different term, like “essential caregivers,” can be used for nursing home visitors to avoid confusion.

- Visitors shall comply with the nursing home's safety protections, which shall include, at a minimum, PPE, social distancing, symptom screening, temperature checks, and provision of contact information from visitors which can be used for contact tracing.
- The nursing home may impose a reasonable COVID-19 testing requirement on visitors, at the option of the nursing home, consistent with its testing of staff.
- The nursing home must provide all PPE as required for visitors.

We hear from some family members that nursing homes do not have enough staff to meet the needs of the residents, but at the same time, we learn nursing staff are being laid off. Family members report that their loved ones have become dehydrated, lost weight, suffered injuries from falls, or injuries with no explanation. These are all signs of neglect and lack of adequate staffing. Lack of staffing is also the reason outdoor visits with families have been limited. We therefore urge you to increase the staffing requirements for nursing homes to ensure that nursing homes maintain enough social workers, nursing and recreation staff to meet the needs of the residents, including visits with family.

Families want facilities to be held accountable for ensuring that their loved ones in nursing homes and chronic disease hospitals are well cared for. The best way to accomplish this goal is to allow support persons in nursing homes to provide the care and attention residents need to thrive and to require sufficient nursing home staff to meet the needs of the residents. Nursing homes should not be granted immunity for poor care.

Joelen J. Gates
Connecticut Legal Services
1125 Main Street
Willimantic, CT 06226
jgates@ctlegal.org
(860) 786-6372