

Advocating for Long-Term Care Residents During COVID-19

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Long-Term Care Ombudsman

- ▶ The Long-Term Care Ombudsman Program (LTCOP) advocates for and protects the health, safety, welfare and rights of long-term care residents, bringing residents' concerns directly to public officials to ensure they are hearing about issues directly impacting the lives of residents. Bringing residents to the forefront to voice their concerns and supporting them in their quest to shape their own legislative agenda. The LTCOP also represents the residents' interests before governmental agencies.
- ▶ While the LTCOP sits within ADS, by federal statute LTCOP maintains autonomy and advocacy independence of their Department structure. This is unique within state government.
- ▶ The LTCOP responds to, and investigates complaints brought forward by residents, family members, and/or other individuals acting on their behalf. Ombudsmen offer information and consultation to consumers and providers, monitor state and federal laws and regulations, and make recommendations for improvement.
- ▶ All Ombudsman activity is performed on behalf of, and at the direction of residents. All communication with the residents, their family members or legal guardians, as applicable, is held in strict confidentiality.

Advocacy During COVID-19

- ▶ Regular meetings with sister agencies, Governor's office, other advocates and industry leaders to address issues and concerns related to COVID as well as unintended consequence of isolation.
- ▶ Facebook Live Sessions - first 3 days a week and then every Wednesday at 5:30pm to answer question and get information directly to resident and family members
- ▶ Top topics of concern in nursing facilities, residential care homes, and managed residential communities.
 - ▶ Resident Rights
 - ▶ Visitation ban and the unintended impact of the prolonged isolation
 - ▶ Civil Immunity (ended as of 3/1/21)
 - ▶ Involuntary Discharges (paused under EO)
 - ▶ Access to Vaccinations
 - ▶ Ensure facilities provide required timely notification to representatives of resident change in condition, medication, etc.

Normal Visitation/Access: Resident Rights

- ▶ Right to receive visitors of his/her choosing at the time of his/her choosing so long as visitation is not done in a manner that imposes on the rights of another resident. 42 CFR 483.10(f)(4)
- ▶ Immediate Access: Representative of State, LTCO, physician, immediate family, visitors, resident representative, and individual providing health, social legal or other services. 42 CFR 483.10(f)(4)(i)-(iv)

Visitation/Access: Executive Orders

- ▶ 3/13/20: Executive Order 7A, Commissioner orders complete ban on visitors to Nursing Homes, Residential Care Homes, Chronic Disease Hospitals for 30 days.
- ▶ 4/21/20: Executive Order, Extended ban on visitation to last for the duration of the public health emergency.
- ▶ 5/09/20: Commissioner Order, Mandated facilities facilitate communication between residents, their families and other individuals.
- ▶ 8/27/20: Expansion of Compassionate Care visits
- ▶ 9/17/20: CMS releases new visitation guidance
- ▶ 9/25/20: Commissioner Rescinds Prior Orders and CT will follow visitation guidance provided by Centers for Medicare and Medicaid Services (CMS).
- ▶ 2/08/21: Executive Order 10A, Extends prior executive orders until April 19, 2021.

Visitation/Access: CMS Guidance

9/17/20

- ▶ Visitation can be conducted through different means based on a facility's structure and residents' needs, such as in resident rooms, dedicated visitation spaces, outdoors, and for circumstances beyond compassionate care situations. Regardless of how visits are conducted, there are certain core principles and best practices that reduce the risk of COVID-19 transmission.
 - ▶ "Visitation should be person-centered, consider the residents' physical, mental, and psychosocial well-being, and support their quality of life."
 - ▶ no facility acquired COVID-19 cases in the last 14 days
 - ▶ not currently conducting outbreak testing
 - ▶ county positivity is below 10% SNF **must** facilitate in-person visitation
 - ▶ Facilities with COVID-19 county positivity rate, High (>10%)
 - ▶ in-person visitation Compassionate Care Visits only

Visitation/Access: CMS Guidance 9/17/20 (continued)

- ▶ Visitors and Facility must follow COVID-19 Infection Prevention Principles core for COVID-19 infection prevention and facility policies
- ▶ Outdoor visits to be conducted when ever practicable
- ▶ Facilities should accommodate and support indoor visitation, including visits for reasons beyond compassionate care situations
- ▶ Office of the State Long-Term Care Ombudsman should have access to any resident
- ▶ Compassionate Care Visits are not just for end of life

Compassionate Care Visits

- ▶ End-of-life is an example of compassionate care situations, the term “compassionate care situations” does not exclusively refer to end-of-life
- ▶ Other types of compassionate care situations include, but are not limited to a resident:
 - ▶ who was living with their family before recently being admitted to a nursing home, is struggling with the change in environment and lack of physical family support.
 - ▶ who is grieving after a friend or family member recently passed away.
 - ▶ who needs cueing and encouragement with eating or drinking, previously provided by family and/or caregiver(s), is experiencing weight loss or dehydration.
 - ▶ who used to talk and interact with others, is experiencing emotional distress, seldom speaking, crying more frequently (the resident rarely cried in the past).
- ▶ **Allowing a visit in the above situations would be consistent with the intent of, “compassionate care situations.”**

Compassionate Care Visits

- ▶ Who can come in the facility for a compassionate care visit
 - ▶ family members
 - ▶ an individual that can meet the resident's needs
 - ▶ clergy or lay persons offering religious and spiritual support
 - ▶ the above list is not an exhaustive list as there may be other compassionate care situations not included.
- ▶ Visits should be conducted using social distancing;
 - ▶ however, if during a compassionate care visit, a visitor and facility identify a way to allow for personal contact, it should only be done following all appropriate infection prevention guidelines, and for a limited amount of time.
- ▶ Through a person-centered approach, facilities should work with residents, families, caregivers, resident representatives, and the Ombudsman program to identify the need for compassionate care visits.
- ▶ Compassionate Care Visits are not limited to end-of-life

LTCOP is advocating for an

Essential Support Person Designation

- ▶ Visit Essential Support Person (ESP) is an individual designated by the resident, or the resident's representative, and provides essential support as reflected in the person-centered plan of care.
 - ▶ The ESP is a part of and supports the resident's person-centered plan of care. The ESP takes direction from the resident or the resident's representative and is considered part of the residents individualized care team. The ESP can provide assistance with activities of daily living (ADL's), instrumental activities of daily living (IADL's) or social/emotional support to the resident.
 - ▶ Through a person-centered approach, during any such time when normal visitation and access to the resident is interrupted, facilities shall work with residents, families, caregivers, resident representatives, and the Ombudsman program to identify ESP's and the need for access to the resident.

Residential Care Homes iPad loaner program

- ▶ CARES ACT FUNDS used to purchase iPads that were loaned to RCH residents
 - ▶ Contract with Oak Hill
 - ▶ Worked with each RCH to program each iPad individually
 - ▶ Education on the apps available on the iPad
 - ▶ Support the use of the iPads with the RCH residents
 - ▶ Survey results
 - ▶ 69.3% reported the iPad provided made a great impact on allowing residents time for leisure and recreation
 - ▶ 77% reported the iPad provided a great impact allowing residents time to stay socially connected with family and friends using video conferencing apps.

Nursing Facility Civil Immunity: Executive Orders

- ▶ April 7, 2020: Executive Order 7V, provides health care professionals and health care facilities protection from civil liability for injury or death resulting from acts or omissions while providing services to support COVID-19 response.
 - ▶ Exception for acts that would constitute a crime, fraud, malice, gross negligence, or willful misconduct
- ▶ SLCOP advocated that the Governor rescind his order
- ▶ November 9, 2020: Executive Order 9L,
 - ▶ Extends Executive Orders to February 9, 2021.
- ▶ (NEW) February 8, 2021: Executive Order 10A,
 - ▶ Executive Order 7V, Section 6, expired March 1, 2021.

Involuntary Discharge/Eviction: Executive Orders

- ▶ June 5, 2020: Executive Order 7XX, Suspends the involuntary discharge of nursing facility and residential care home facility residents to homeless shelters for the duration of the PHE.
- ▶ (NEW) February 8, 2021, Executive Order 10A, extends PHE to April 19, 2021.
- ▶ Except: (1) if immediate discharge endangers the health, safety, or welfare of the resident or other residents. This includes the refusal to comply with infection control and social distancing measures; or
(2) if the resident is in a nursing facility, COVID-19 Recovered Discharge (Executive Order 7Y)

Legislative & Mathematica Report Recommendations & Advocacy

- ▶ Access to Technology Bill for socialization, visitation and monitoring
- ▶ Strengthening the rights of residents for them to have control and make decisions regarding the use of their “home”/room
- ▶ Designation of an “Essential Support Person/Caregivers”
- ▶ Accommodation of virtual testimony, giving residents to a voice in policy changes that impact their lives or the setting they live in.
- ▶ Increased staffing minimums in facilities to include Nursing, Social Work and Recreation
- ▶ Enhanced language for Residential Care Home discharges
- ▶ Rights of tenants MRC’s, protecting their access to visitors and services covered, and unexplained COVID related charges

Vaccine Outreach & Information

- ▶ Facebook live information session
 - ▶ SLTCO was joined by 3 doctors that discussed the vaccine and answered direct questions
- ▶ Cares Act funds used to create outreach campaign
 - ▶ Modeled after the Governor and DPH's campaign, but focused on long-term care residents
 - ▶ Ensures that residents and family members had access to the facts