



Re-establish Access to Residents in Long-Term Care Facilities

The Problem

On March 13, 2020, CMS issued an order¹ preventing anyone from entering nursing homes except for essential health care workers. North Carolina followed suit and the Governor issued Executive Order 120 *which prohibits visitors and non-essential health care personnel entering long term care facilities except in certain compassionate care situations, for example an end-of-life situation.*² North Carolina's restrictions apply to all residential long term care facilities.

While understandable as an emergency measure, given the many uncertainties during the early stages of the pandemic, growing medical and scientific evidence confirms the serious harm to residents' health from extreme visitation restrictions.³ Apart from limited compassionate care visits, family and loved ones who provided vital daily care and support to residents have been unable to provide any assistance to their loved ones for almost a full year. Revised Federal and State guidelines intending to allow visitation now are regularly resisted by facilities and inconsistently enforced by regulators. Families must fight for the 'privilege' of visitation on a case-by-case basis. When visits are granted, limits are often imposed by facilities restricting time, place, visitors, and tasks – in direct violation of CMS guidance from September 2020 directing facilities to not restrict visitation without a reasonable clinical or safety cause.

The Solution

To address the ongoing negative health consequences of social isolation and to recognize the significant contributions made by visitors to residents in long term care facilities, *North Carolina should improve access to LTC residents and adopt legislation formally recognizing essential support persons (ESPs) with full access to the residents they support, as follows:*

Essential Support Persons:

- Residents should be able to designate up to two essential support persons (ESPs).
- ESPs must be allowed unrestricted access to residents to provide physical and emotional support, as well as assistance in meeting residents' needs (ESPs must follow safety protocols of other essential healthcare staff).
- ESPs should be treated as employees of the facility for infection control purposes, including routine COVID-19 testing and the wearing of PPE (cost borne by facility).

Regular visitation (in addition to ESP):

- All residents that follow screening and infection control procedures must be given regular visitation (both indoor and outdoor).
- Length and number of visits must be in accordance with a resident's needs and preferences but be at least one hour weekly.
- Visitation must occur regardless of the level of COVID-19 positivity in the surrounding community or in the facility.

¹ CMS, QSO-20-14-NH, updated by QSO-20-39-NH (Sept 17, 2020)

² Guidance for Executive Order No. 120 (March 26, 2020)

³ JAMA, Social Isolation—the Other COVID-19 Threat in Nursing Homes (July 16, 2020)