SENATE CONCURRENT RESOLUTION NO. 5

BY CHAPMAN

1 A Concurrent Resolution encouraging the United States
2 Congress to provide flexibility to the states
3 in determining visitation practices in nursing
4 facilities.
5 WHEREAS, older people, people with disabilities,
6 and people in congregate settings are particularly
7 vulnerable to and at higher risk for contracting
8 communicable diseases, including COVID-19; and
9 WHEREAS, the COVID-19 pandemic has had a
10 disproportionate impact on all long-term care
11 facilities accounting for 36 percent of the COVID-19
12 deaths in the United States; and
13 WHEREAS, even before the COVID-19 pandemic,
14 infection prevention and control deficiencies were the
15 most common type of deficiency cited in one or more
16 years for nursing facilities surveyed between 2013 and
17 2017; and
18 WHEREAS, based on this history, the Centers for
19 Medicare and Medicaid of the United States Department
20 of Health and Human Services (CMS) issued guidance in
21 March 2020 to reduce the spread of COVID-19 in nursing
22 facilities including strictly limiting visitation,
23 suspending communal dining and group activities for
24 residents, screening residents daily for fever and
25 other COVID-19 symptoms, screening anyone entering the
26 building for COVID-19 symptoms, observing flexible
27 leave policies for staff members, and requiring all
28 staff to wear masks; and
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WHEREAS, in September 2020, CMS issued updated guidance urging nursing facilities that are not actively battling COVID-19 outbreaks to welcome visitors under less restrictive conditions; and

WHEREAS, while it is important for the health and safety of all residents that nursing facilities may still restrict visitation due to the COVID-19 county positivity rate, the facility’s COVID-19 status, a resident’s COVID-19 status, visitor COVID-19 symptoms, lack of adherence to proper infection control practices, or other relevant factors related to the COVID-19 pandemic; a nursing facility may now not restrict visitation without a reasonable clinical or safety cause; and

WHEREAS, residents’ rights and protections under federal and state law include being treated with dignity and respect; being free from abuse, neglect, and discrimination; having friends and family visit and participate in their care; taking part in activities; making complaints without fear of punishment; receiving proper medical care; and notifying a doctor, family member, or legal representative of changes in a resident’s condition or treatment; and

WHEREAS, any visitation restrictions must balance resident and staff safety with quality of life; and

WHEREAS, physical separation from family and other loved ones has taken a physical and emotional toll on residents, with residents feeling socially isolated, leading to increased risk for depression, anxiety, and other expressions of distress; and
WHEREAS, residents living with cognitive impairment or other disabilities may find visitor restrictions and other ongoing changes related to COVID-19 confusing or upsetting; and
WHEREAS, residents derive value from the physical, emotional, and spiritual support they receive through visitation from family and friends; and
WHEREAS, while nursing facilities are regulated by the federal government, state surveyors provide the day-to-day, ongoing inspection and oversight on behalf of the federal government necessary to deem a nursing facility compliant with federal and state laws and regulations; and
WHEREAS, such established state-based oversight has forged strong professional relationships and lines of communication between state regulatory entities and nursing facilities; and
WHEREAS, while required core infection control and safety principles and best practices must be maintained, with over 430 nursing facilities in the state located in both rural and urban areas, variation in each nursing facility's structure, staffing, supplies, resident population, and residents' needs should be considered in addressing residents' rights and protections, including visitation policies; and
WHEREAS, each state should be allowed the flexibility to develop reasonable ways for nursing facilities within the state to safely facilitate in-person visitation to address the psychosocial needs of residents; and
WHEREAS, states are in a better position to provide ongoing, hands-on guidance to nursing facilities located within the state; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Iowa General Assembly urges the Congress of the United States to approve legislation to allow states flexibility in determining visitation parameters that balance the rights of residents with necessary safety precautions that ensure the health and safety of all residents and the general public.