

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

NURSING HOME CARE & THE CORONAVIRUS: THIS IS NOT THE TIME TO NEGLECT CRITICAL SAFETY STANDARDS

The coronavirus has exposed serious, widespread failures in nursing home safety and oversight. Recent reporting indicates that more than 60 percent of nursing homes have been cited for one or more infection control violations in the last several years. Most nursing homes do not maintain sufficient staff to meet the basic clinical needs of their residents.

As our healthcare system rushes to deal with the pandemic, and many nursing homes rush to address gaps in their infection prevention and other safety practices, it is important to remember that residents continue to have rights and protections guaranteed by federal law that extend beyond infection control. Many of these rights are crucial to the safety and well-being of residents. **Following are a few of the standards of care that we have identified as important, especially at this time:**

Respect & Dignity ([Fact Sheet](#))

- Every resident has the right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the nursing home.
- Every nursing home must provide residents equal access to care, regardless of the resident's diagnosis, severity of the resident's condition, or resident's payment source.

Sufficient Staffing ([Fact Sheet](#))

- Every nursing home must have sufficient nursing staff with the competencies and skills necessary to ensure residents are able to attain or maintain their highest practicable physical, mental, and psychosocial well-being.
- There must be a sufficient number of both licensed nurses and nurse aides on a 24-hour basis.
- Nursing homes must have a registered nurse on duty for at least 8 hours a day, 7 days a week.

Pressure Ulcers ([Fact Sheet](#))

- Every resident must receive care to prevent pressure ulcers from developing, unless clinically unavoidable.
- Every resident with a pressure ulcer must be provided the treatments and services necessary to promote healing, prevent infections, and prevent new pressure ulcers from developing.

Physical & Chemical Restraints ([Fact Sheet](#))

- Every resident has the right to be free from physical or chemical restraints imposed for the purposes of discipline or the convenience of staff.

Dementia Care ([Fact Sheet](#))

- Every nursing home must ensure that residents are not given a psychotropic drug unless it is necessary to treat a specific condition that has been diagnosed and documented in the resident's record.
- Residents who are being administered psychotropic drugs must receive gradual dose reductions and behavioral interventions to discontinue use (unless medically inappropriate).

Care Planning ([Fact Sheet](#))

- Every nursing home must develop and implement a baseline care plan for each resident within 48-hours of admission. The baseline care plan must be person-centered and include the minimum health care information necessary to properly care for the resident.
- Every nursing home must develop a comprehensive care plan within 7 days of completing the comprehensive assessment (but no more than 21 days after admission). The comprehensive care plan must include measurable objectives and timeframes for meeting each resident's individualized medical, nursing, mental, and psychosocial needs.

Informed Consent ([Fact Sheet](#))

- Every resident has the right to be informed of, and participate in, his or her treatment. Residents have the right to be informed, in advance, of the risks and benefits of proposed care, as well as treatment alternatives or treatment options, and to choose preferred alternatives or options. Residents have the right to refuse or discontinue treatments.
- Every resident has the right to identify individuals or roles to be included in his or her care plan, the right to request care planning meetings, and the right to request revisions to the care plan.

Transfers & Discharges ([Fact Sheet](#))

- Every nursing home is prohibited from transferring or discharging residents against their will except under very limited circumstances, such as when the welfare of the resident or other residents is at serious risk and when the resident no longer needs nursing home care.
- Even when these limited exceptions have been met, nursing homes must still meet notice requirements, adhere to appeal rights, and follow preparation and orientation requirements.

Note: CMS has temporarily [waived](#) some aspects of the transfer & discharge standards. These waivers only apply when the transfer/discharge are for the purpose of cohorting residents in response to the COVID-19 pandemic.

For more information on the pandemic and its impact on nursing home and adult care facility residents, visit LTCCC's [Coronavirus Resources](#) webpage. For more information on residents' rights and protections, please visit our homepage: www.NursingHome411.org.