



Visitation restrictions in place since March 13, 2020, meant to protect a vulnerable population, have resulted in wide-spread devastation as a result of the extreme weight loss, despondency, and rapid cognitive decline that comes from life in isolation and loss of desire to live.

Rights that are guaranteed in statutory laws and are federally protected by the 1987 Nursing Home Reform Act have been abridged and denied since March 2020. As well as being denied their federal right to receive outside visitors, long-term care residents have been denied the right to make decisions about treatment, choose their own attending physician, use personal belongings, participate in religious and cultural activities, engage socially within the facility, live free of physical restraint which includes being restrained from leaving a facility, or even receive a state inspector or representative from the state's long term care ombudsman program.

Residents have been denied equal access and protections under ADA by autonomous facility policies and have been denied the protection from abuse and neglect that comes from the ombudsmen, clergy, family, friends, powers of attorney, legal representatives, and court appointed guardians who would otherwise evaluate their care and advocate on their behalf. Enforcement, redress and recourse for violations of the few rights that remain to long-term care residents are all but non-existent.

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We strongly contend that, after almost a year of isolation without access to their loved ones, residents in long-term care facilities cannot afford to wait while our government agencies decide whether it is safe to restore visitation. Too many people have already spent their dying days alone, separated from those they held most dear.

**As a coalition of advocacy groups representing hundreds of thousands of residents living in long-term care facilities across the United States, we request the following considerations:**

- Post-vaccine guidance discussions take place with urgency and that guidance does not penalize vaccinated residents on behalf of other residents and staff members who decline the vaccine. Those residents and staff members in long term care who choose not to receive a COVID-19 vaccine assume a risk just as those who refuse a flu or pneumonia vaccine do. While the diseases and their implications are different, the premise should be the same: the rights of those who accept the vaccine are not abridged by the existence of those who decline it.
- New visitation directives need to be issued in clear, direct, enforceable language so that caregivers can educate their individual facilities. In the absence of clear directives, facilities make their own rules which almost always fall short of the guidelines in place. We must be able to educate them and have them face penalties if they do not comply.
- No amended or future guidance regarding long-term care visitation take effect without a public comment process involving stakeholders that include the voices of residents and their families. We are the ones who will spot the flaws in public policy at the implementation level.

### **The Bottom Line**

The physical and mental health devastation of the isolation protocols on the long-term care population and those who love them cannot be overstated. But, with administration of vaccines, we have an opportunity to change that which this country has gradually begun to accept as normal. It's time to start talking about what post-vaccine visitation looks like in a COVID-19 world.