

April 10, 2020

The Honorable Gavin Newsom
Governor
State Capitol Suite 1173
Sacramento, CA 94249

Dear Governor Newsom:

We are writing to urge you to take action to protect California nursing homes and assisted living facilities. Coronavirus infections were reported at 121 nursing homes and other communal living institutions in Los Angeles County on April 8th. Of the 169 deaths in Los Angeles County up to April 7th, 36 or 21 percent have been residents of skilled nursing and assisted living facilities. A Riverside county nursing home with 34 confirmed cases of corona virus was forced to evacuate 84 residents on April 8th because nursing assistants did not come to work for two consecutive days. As you are aware, the virus has broken out in Sacramento, Pacifica, San Francisco, and Orinda within the last week and is spreading exponentially.

California has been a leader in ordering stay in place requirements but primarily has focused on ensuring that hospitals have adequate intensive care beds, ventilators and personal protective equipment (PPEs). At the same time, the growing crises for the state's 100,000 residents in 1,200 nursing homes and over 220,000 residents in over 14,000 residential care/assisted living facilities has received limited attention. These residents are the most vulnerable population in the state to the COVID-19 virus because of their chronic diseases and disabilities.

We are asking you to take immediate action: to ensure public reporting of which facilities have cases of the virus; to give the highest priority to facilities for receiving PPE; to require screening of all staff on a daily basis, and to test all residents and staff where outbreaks occur. We are also concerned that most facilities do not have adequate staffing levels to protect the safety of residents and to call your attention to the need to protect residents' rights. We urge you to establish COVID-19 dedicated post-acute care facilities and strike force teams to oversee facilities with the virus. Please see the attached list for our specific recommendations.

All possible steps are needed to prevent more widespread death and injury of residents, staff, and the communities where facilities are located throughout the state.

Thank you for your consideration.

Sincerely,

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Emergency COVID-19 Recommendations for Nursing Homes and Assisted Living Facilities

Transparency about Infection Levels

- Require nursing facilities to immediately inform county and state health departments, CMS, CDC, residents, families, staff members, ombudsman and the public when residents or staff test positive, while protecting the confidentiality of individual residents and staff

PPE and Testing

- Give the highest priority to NHs/ALFs for distributing PPE along with hospitals and establish a state or county system for frequent checking on the adequacy of PPE supply and ensuring distribution of PPE to each NH and ALF in the state throughout the epidemic
- Establish daily screening of staff for illness in each NH and ALF
- Mandate complete testing of all staff and residents when outbreaks occur, using Fit testing per OSHA standards, and implement contact tracing resources when a positive result is discovered.

Staffing

- Require that each NH have a full-time RN infection preventionist and require AL facilities to immediately consult with an infection control preventionist
- Require NHs to offer at least two weeks of paid employee sick leave and implement hazard pay
- Require all NHs to have adequate staffing levels on a daily basis with daily reporting to the public, state survey agency, ombudsman, and CMS
- Place a state hold on admissions to facilities without adequate staffing

Residents Rights

- Respect residents' rights to be provided assistance with temporary discharge home with home care and the right to return while prohibiting any involuntary discharges
- Allow screened ombudsman using proper PPE into facilities and assign a fulltime staff member to assist residents to communicate with family and friends

Emergency Complaint System

- Implement an emergency state complaint intake system for infection-related complaints in NHs with adequate surveyor resources to immediately investigate those complaints.

COVID-19 Dedicated Post-Acute Care (PAC) Facilities

- Establish COVID-19 only dedicated post-acute care facilities in counties
- Require all hospitals to test patients for COVID-19 who need post-acute care before discharge and if positive, to transfer to COVID-19 facilities for post-acute care
- Prevent hospital discharges with COVID-19 from entering long-term care facilities

Strike Force Teams and Oversight

- Establish a state RN surveyor to monitor each NHs/ALFs with COVID-19
- Establish state and county strike force teams of experts (including physicians, nurses, dietitians, ombudsman, national guard and other experts) to provide immediate assistance to NHs and ALs
- Establish temporary management by the state or county of any NH/ALF that has COVID-19 for facilities that drop below minimum staffing levels to avoid evacuation of residents