

August 11, 2020

Karla Backman  
State Long-Term Care Ombudsman  
1237 W. Divide Ave, Ste 6  
Bismarck, ND 58501-1208

Dear Ms. Backman,

AARP North Dakota appreciates the opportunity to comment on the critical issue addressed in your proposals to find creative solutions to ensure residents in LTC (Long-Term Care) facilities remain connected to family and friends as the COVID-19 pandemic continues. Given the serious impact COVID-19 has had on residents in nursing homes, with at least 67 deaths,<sup>1</sup> representing an unimaginable 59 percentage of all COVID-19 deaths in the state, AARP's overarching goal has been and continues to be ensuring the safety and wellbeing of our loved ones who reside in these facilities.

Social interaction with family and friends is critical to the overall health and wellbeing of all LTC residents. Residents and their families have been struggling during these months when in-person visitation in LTC facilities has been effectively prohibited. In addition to the social connectivity and emotional support they provide, visitors are key members of the resident's care team, performing essential hands-on tasks such as feeding, dressing and dental hygiene, and facilitating therapeutic activities that maintain or improve their loved one's cognition and mobility. In addition, family member visitors carefully monitor their loved one's health status and are often the first line of defense, identifying key issues of concern to facility staff.

Regarding your proposals outlined in the 2020 Annual Report for the ND Long-Term Care Ombudsman Program, we encourage your consideration of the following principles to help guide the development of policies related to visitation:

**Minimizing Risk:** All LTC facilities, their staff and visitors must comply with all required infection control precautions and guidelines established by federal and state governmental entities. This includes screening of visitors (temperature and symptom checks), requiring visitors to properly use masks and other PPE, requiring the use of hand sanitizer, disinfecting visiting areas, and physical distancing.

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<sup>1</sup> As of August 10, 2020. See North Dakota Department of Health, *Coronavirus Cases*, available at: <https://www.health.nd.gov/diseases-conditions/coronavirus/north-dakota-coronavirus-cases>.

**Fairness/Universality:** All LTC residents should be afforded regular opportunities for in-person visitation, in accordance with guidelines established by governmental authorities. It is not acceptable to deny, restrict, or prioritize visitation based on a resident's cognitive status (e.g., dementia), physical limitations, or inability to verbally express feelings of loneliness or depression. Additional flexibility regarding visitation is appropriate for end-of-life and other compassionate care situations.

**Individualized Plan:** All residents and their families should be engaged by the facility in developing an individualized visitation plan that is reflective of their wishes and preferences, while adhering to all governmental guidelines. These plans should address visitation schedules, whether one individual or multiple individuals should be designated by the resident for visitation, location of visits (indoor, outdoor, in-room, designated area, etc.) and responsibilities of all parties. These plans should also be reviewed frequently and adjusted to meet changing circumstances and needs. Residents and their families may question or otherwise challenge the individualized visitation plan or any visitation restriction or determination, and they should be provided with Ombudsman assistance in doing so.

**Responsibilities of LTC Facilities to Facilitate Visitation:** Until LTC facilities can safely allow in-person visitation, and thereafter, facilities should offer virtual visitation as an option for residents and their families. Where possible, we recommend that the facilities prioritize the use of civil money penalties, administrative fines on facilities, or appropriate federal funds to purchase necessary virtual visitation equipment. Some residents, who may or may not need access to the technology, will also need human assistance to use the technology and communicate with their loved ones.

**Notification:** It is essential that there be clear, regular information from LTC facilities to residents and their loved ones about how visits will be scheduled and facilitated. The state should require that this information be shared with the state LTC Ombudsman, residents, and families on an ongoing basis in the manner best likely to inform them (email, phone, flyers on meal trays, under doors, posting in common areas, etc.).

**Residents without Visitors/Outdoor Access:** The facility should place a high priority on ensuring that all LTC residents, whether or not they have visitors, are given the opportunity to spend time outdoors, weather permitting, and barring medical contraindications. Similarly, residents who do not have visitors should be provided the same opportunities as residents with visitors to leave their rooms for a change of environment.

Thank you again for allowing us the opportunity to comment on your proposals. Please don't hesitate to reach out if we can be of assistance.

Sincerely,



Josh Askvig  
State Director

Cc: Chris Jones, Executive Director, North Dakota Department of Human Services