

January 17, 2021

SB 2145 – providing for access to long-term care facilities

Chairperson Lee and members of the committee,

My name is Roza Larson. I'm here today in speak in favor of SB 2145. I'm not here to vilify long-term care administrators, nurses, aides or other staff, who I believe have been acting with the best interests of all concerned in these unprecedented times.

I'm here to talk to you as a daughter of a loved one in long-term care. My story is much like many I'm certain you have heard. April 6, 2020 was the day my 90 year old mother's life changed forever. April 6, 2020 was the day she fell and shattered her wrist. Until that day she was living independently, in her home on the farm. Until that day she had the ability to visit people, call people, drive to town. I lived 3 hours away in Minot and am the State's Attorney. When I got the call that she had fallen, my husband and I went down right away and got her to the hospital. The next day she had surgery. It was at that time she was assess and it was determined she could not live alone. She needed supervision 24/7. She did not qualify for assisted living, but rather, she needed a higher level of care.

So on April 10, 2020 I had to tell mom, she would not be going home to live. That she would be staying in the hospital until her quarantine time was over and then moved into the Good Shepherd home. Because of the protocols put in place, that was the last time I got to visit her face to face, the last time I got to touch her until the middle of July when for a brief 2 or three week period of time, family members were allowed to go inside the home and visit their loved ones in their room.

This isolation exasperated her confusion. I would attempt to talk to her on the phone, but often times that was difficult. Her phone line didn't seem to work properly, she claimed she didn't know how to use her phone, others were calling me telling me there were issues with her phone as well. The nurses were wonderful in bringing her to the station to talk. The problem was she wanted to tell me something private she felt she could not, "they are all listening" There were things she wanted to tell me about her care that she didn't like. Concerns she had about what was happening to her, that she felt she couldn't tell me on the phone because people were listening. I wasn't allowed to go inside, go into her room to help figure out what was going on with the phone. I wasn't allowed to go inside and have a private conversation with her to try to figure out what was going on that was making her feel uncomfortable and anxious. I was allowed window visits. Visits over the Ipad, visits with her sitting in a hallway where others were wondering *what was going on* around. We were allowed patio visits with a staff member sitting nearby who could hear what we were talking about.



When I was able to go into her room and visit her privately in July, she finally told me what her concerns were. It wasn't until July that I was able to find out what was going on and get it changed.

Until then, mom was not able to have visitors in her room. She was not able to visit other residents in the home, and she has to eat her meals alone in her room. Yet at the same time, she would see other residents were allowed to eat in the dining room, other residents were allowed to have visitors in their rooms. One of these residents is a lifelong friend of mom's whose room is across the hallway. There were many times mom would get scolded for going over to her friend's room and staff chased her out of there. Sometimes her visitors would step in and stop them from chasing her out, as they could tell the visits between them was doing them both good.

It does seem a bit unequal and unfair. Over the months of isolation, mom's condition has worsened and her classification has now changed to compassionate care. I guess at this point I'm thankful it got worse, because now I'm allowed to go inside and visit. Now others are allowed to go inside and visit her in her room as well. But when I think of what it took to get to this point it makes me frustrated and sad.

SB 2145 allows for this type of isolation to be prevented. SB 2145 does not go far enough in that it only applies when the governor declares a disaster or an emergency. It is my hope we will never see another pandemic like this. I would suggest that SB 2145 not be as narrow as to only apply when the governor declares a disaster or emergency. I draw your attention to an incident that occurred at Knife River Care Center in 2018. The facility locked-down due to a significant flu outbreak. Flu outbreaks are common and can pose as big of a health risk to long-term nursing facilities.

Again, my purpose here is not to disparage the hard work of those working in the facilities. Residents have rights, they have a right to have visitors. They have the right to have people who provide physical, emotional, and spiritual comfort come to visit them. They have a right to privacy and to be able to tell or confide to somebody with issues they may be having. This wasn't allowed during this time of pandemic, except for those classified as compassionate care, or sadly end of life. Basic human rights should not be suspended even during a pandemic or a flue break out or other reasons.

SB 2145 would allow a loved one, other trusted designated person to have access to the resident. Allow for those private conversation, allow for that human touch that is so needed all the time, but most especially when a love-one is suffering from dementia, or depression, or confusion...

SB 2145 would allow residents to have a designated person or persons come into their room so they could discuss private matters, somebody they know and trust that will look out for their interests and somebody they trust they can report their concerns too and have them look into it. Like I needed to do for mom when she had concerns. It was nearly 4 months after she had moved into the home before we finally got to have a private conversation in July. She finally got to tell me what was going on. The anxiety she had, we both had in not being able to discuss the problem she was having in private had a profound impact on her mental health.



I mentioned to you, I am the State's Attorney in Minot. Inmates in the Ward County Jail have these rights, even through the pandemic, even when there are other lockdowns or emergencies that restrict visitors or others access to the inmate. They still have the constitutional right to attorneys, they have the constitutional right to privacy in talking to those attorneys in person, they have the ability to report issues, concerns regarding their care and treatment in the jail in person. The residents in nursing homes have not had that right.

SB 2145 does not infringe significantly on administrator's right to keep control of their facility. It allows them to set in place protocols the designated people must follow.

SB 2145 It allows the administrators to suspend access if the protocols are not followed. *- Although need to have a grievance process.*

SB2145 ensures that residents will not be completely isolated, it ensures residents will have at least one person to be able to visit them privately. It allows the residents continued support emotional and spiritual support by loved ones they know and trust.

