

Reier Thompson Testimony In Support of SB 2145
January 27, 2021
Senate Human Services Committee
Sakakawea Room
Chairman Judy Lee

Chairperson Lee and members of the Committee, my name is Reier Thompson and I am the President/CEO of Missouri Slope in Bismarck. I am here to provide facts and information relative to SB2145.

My career in long term care started as a 14 year old dietary employee at Missouri Slope. It was a great experience and my goal each day was to bring a 5 star dining experience to our residents who would sometimes give me back rubs as I delivered their food. Now, as an administrator, the goal remains for all of us in long term care to enhance and enrich the lives of those we serve. Resident rights are a basic component of assuring we are doing all we can and in treating all with dignity and respect.

Having a robust and diverse activity and social calendar is the norm for long term care centers across the country. Meeting all the emotional, spiritual, and physical needs of our residents is not only expected, it is required by the Centers for Medicare and Medicaid Services (CMS). Then, the pandemic began and resident rights went out the window in many unfortunate ways. Primarily, our once open-to-the-public care center had to lock down and stop all visitation.

Fast forward to today and you will see it is much more than just no visitation. Following the CMS guidelines has created an environment of isolation for all who live and work in long term care. Every day, we have families pleading and begging with us to open our doors. Many offer to get COVID tested or vaccinated to demonstrate they are not a risk. While this all sounds like a reasonable plan, we have absolutely no authority in making decisions that fall outside the CMS guidance.

In November, we experienced painful repercussions of failing to meet all CMS guidelines. We had a federal infection control focused survey and were cited at the highest level, known as immediate jeopardy, for readmitting residents back to their shared room. The citation explained we had failed to implement suggested protocols listed in a frequently asked questions section of a memo from CMS. Specifically, the memo used suggestive language stating it was **preferable** and that a plan **could include** readmission into single, observation rooms.

Getting an immediate jeopardy rating for failing to meet guidance that is not even in the regulations but listed in a FAQ of a memo has caused us to receive a \$36,000 civil money penalty, have a ban on admissions for 16 days, and lose our nurse aide training program for two years.

My reason for bringing this to your attention is to provide a general background of some of the issues we struggle with during this pandemic and the dire consequences that we have suffered. SB2145 has a goal to designate a caregiver to provide in-person support to our residents while observing all safety protocols. Current visitation guidance from CMS specifies when inside visitation may occur and is based on county positivity rates as well as facility level outbreak status.

CMS defines an outbreak as a new COVID-19 infection in any healthcare personnel or any infection in a resident. As the largest nursing facility in the state, we have not gone two consecutive weeks without a positive resident or employee case since July, 2020. We have been thankful to see rates drop in Burleigh County the past few weeks to the lowest risk level defined by CMS of less than 5%. In order to allow inside visitation to resume in our building, we also cannot be in an outbreak status as defined by CMS for 14 days.

Eventually, we are confident we will achieve 14 days of no new COVID+ employees or residents. And as long as the county stays at a low risk level, this will be a celebrated day for all who live and work at Missouri Slope. Going forward, if we were to have a new COVID+ resident or employee, we would have to shut down inside visitation and restart the 14 day window.

In providing even more of a window into the stringent thinking of CMS, I share with you another situation which is even more sad and unfortunate for our residents. In December, a second federal infection control focused survey took place and we were cited for allowing resident's room doors to remain open while they were on isolation protocols. We had specifically been told by the previous survey team to indicate in each resident care plan whether they desired to keep their room door open while on isolation. Moreover, the regulations stipulate we are to take measures to reduce or minimize any potential psychosocial negative effects of isolation. We have had residents beg and plead to keep their doors open, yet CMS has mandated we are to re-educate the resident and keep their door closed. These examples are not the only contradiction of regulations we have experienced throughout this pandemic and has put our organization in an impossible situation.

In order to meet the stringent CMS guidance of screening all who enter our building, we have created robust policies and procedures. When arriving at Missouri Slope, you use a doorbell system to request access. Once inside, we have designated screening personnel to assure you do not have a fever and do not fail any of the exposure or symptom related screening questions. By this time, all will have already donned PPE and are directed to limit travel inside the building to necessary areas only. Throughout this pandemic, we have turned away many people including employees and family members for either symptomatic reasons or failing to adhere to proper PPE/Infection Control protocols.

Chairperson Lee and members of this committee, my testimony here today is meant to provide you with information. My concern is this bill may set an unreal expectation of designated caregivers being granted access at a time that would not meet CMS guidelines. We are regulated by CMS and it is clearly very painful when we fail to meet all CMS guidelines and expectations.

Thank you for the opportunity to testify on behalf of my organization and the North Dakota Long Term Care Association. I am open to any questions you may have.

Respectfully,

A handwritten signature in blue ink, appearing to read "Reier Thompson". The signature is stylized and cursive, with the first name "Reier" and the last name "Thompson" clearly visible.

Reier Thompson, President/CEO

