



**Testimony before the**

**Pennsylvania Senate**

**Aging and Youth Committee**  
**and**  
**Health and Human Services Committee**

**Joint Public Hearing on**  
**Nursing Homes and the Challenges During COVID-19**

**Thursday, May 7, 2020**

**Submitted by:**  
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Senator Ward and Senator Brooks, Senator Collett and Senator Haywood, Members of the Senate Aging and Youth Committee and Members of the Senate Health and Human Services Committee, my name is Bill Johnston-Walsh. I serve as the State Director for AARP Pennsylvania. Thank you for holding this Joint Public Hearing on nursing homes and the challenges during COVID-19 and for the opportunity to submit this testimony.

AARP Pennsylvania is deeply alarmed by the appalling numbers of deaths in nursing homes as a result of the COVID-19 pandemic. As this first full week of May began, there are 9,345 COVID-19 cases among residents in 478 nursing and personal care homes; and at least 1,646 people have died from the virus.<sup>1</sup> The gravity of this situation cannot be overstated. On behalf of our 1.8 million members and the 50+ population, and especially on behalf of the nearly 80,000 Pennsylvanians living in one of our state's nearly 700 nursing homes, we believe that more must be done to stem the loss of life, better protect nursing facility residents, and better support the staff who work in Pennsylvania's long-term care facilities.

If the COVID-19 emergency has made anything clearer, it is that long-term care facilities are ground zero in the fight against the coronavirus and the need to invest in long-term care is now. While AARP Pennsylvania acknowledges the actions that our state's elected and healthcare leaders have taken to address the crisis, so much more is needed to protect residents, staff, their loved ones, and the surrounding communities from this disease. AARP urges action on the following to slow the spread and save lives:

1. Care facilities must have the personal protective equipment (PPE) and testing they need to identify cases and prevent the spread of the virus, as well as adequate staffing to provide care.
2. Care facilities must be transparent and report publicly on a daily basis whether they have confirmed COVID-19 cases, and residents and families need information when loved ones are discharged or transferred out of their room or facility.
3. Virtual visitation must be made available and facilitated as a safety measure between residents and their families.

## **Ensure Access to Personal Protective Equipment, Testing, and Proper Staffing**

It has been two months since the first cases of COVID-19 emerged in nursing homes. It is now long overdue to get protective gear into every facility. Immediate steps must be taken to provide proper PPE for all staff caring for individuals in nursing homes, as well as assisted living communities, personal care homes, residential care communities, home and community-based and other settings. In addition, where appropriate, care recipients themselves should also have PPE and have any needed help to properly use PPE to keep themselves and others safe as well.

The only way to truly protect the health and safety of residents and the staff who care for them is for facilities to have ready access to testing. Testing will help control the spread of the virus among the residents, staff, and the community at large as staff, emergency health care providers, on-site maintenance contractors, and others come and go from facilities every day. On the national level, AARP is urging the U.S. Department of Health and Human Services (HHS) and Centers for Medicare and Medicaid Services (CMS) to take immediate steps to ensure full access to testing for staff and residents of long-term services and supports (LTSS) facilities, and is advocating for the state to follow suit.

We are also deeply concerned about staffing shortages at residential care facilities. On a national level, AARP is urging HHS and CMS to take immediate action to ensure that staffing levels in these facilities are adequate and to work with and support states with critical staffing needs in facilities. In response to such staffing issues in Pennsylvania, it's understood that the state Departments of Health and Human Services engaged a home health agency to render services in a personal care facility, enlisted the PA National Guard to provide medical services in a nursing home, and contracted with ECRI, an independent, nonprofit health services research organization, to provide individualized infection control and prevention assistance to long-term care facilities across the state. It's imperative that the state health and human services leadership works with HHS and CMS, along with state legislators, to consider the best measures to appropriately recruit, train, retain, and compensate the health care and LTSS workforce, including home care workers during this crisis. It is also important that guidance be provided

on how facilities should inform residents and family members when staffing shortfalls do occur as well as the steps they are taking to correct the problem, such as engaging a home health agency, enlisting the PA National Guard, putting a facility in contact with ECRI, etc.

### **Ensure Transparency of Information on COVID-19 Cases and Transfer and Discharge Rights**

Recent guidance from CMS about requiring nursing homes to report confirmed cases of COVID-19 among residents and staff is a step toward much-needed transparency, but again we strongly assert that so much more needs to be done. For instance, although the plan is for the federal data to be released to the public, when the state department of health will implement this much needed and overdue process remains an unanswered question. Moreover, AARP is also advocating for the information to be publicly released, on a daily basis; and there must be appropriate oversight to ensure facilities report this information in a timely way and that testing be consistent across facilities.

We are also concerned about reports of individuals being discharged or transferred from hospitals and unable to get back into their nursing home or other residential care setting. Although it's recognized that a room transfer within a facility or a discharge from a facility may be necessary in certain circumstances, facilities should be required to provide timely notice and comprehensive information to residents, family members, and court-appointed guardians. In the case of a discharge, this notice must include a summary of the resident's rights, information on visitation rights, the right to appeal a discharge or transfer, and written notice of their local long-term care ombudsman's name and contact information prior to discharge.

### **Require Facilities to Provide and Facilitate Virtual Visitation**

For many Pennsylvanians living in nursing homes and other facilities, their friends and family provide not only a source of comfort, but also an important safety check. They are another set of eyes and ears who can help identify when there is a problem, or if their loved one is in danger. With in-person visits by family and friends halted and facilities face staffing challenges, maintaining communication between residents and loved ones virtually is critical for their

health and safety. The stories of people unable to say goodbye to parents, grandparents, aunts and uncles is not only heartbreaking, it is simply outrageous. With technology to facilitate virtual visits easily available and accessible, it's scandalous that virtual visits are still not available to our residents living in nursing homes and other LTSS settings. Virtual visitation via phone calls and video-conference or other technologies for residents and their loved ones is not without precedent. The federally approved CARES Act requires the Bureau of Prisons to offer free access to phone and videoconferencing calls during the pandemic since facility rules limit in-person programming and visits. It's anticipated that state and local justice systems will also benefit from CARES Act funding to aid in their coronavirus-response efforts. Thus far, nearly \$18 million dollars has been awarded to five Pennsylvania entities, including slightly over \$17 million to the PA Commission on Crime and Delinquency. Certainly, older Pennsylvanians deserve the same rights.

To this end, the Pennsylvania Department of Aging recently announced that the State Long-Term Care Ombudsman program received \$850,000 in CARES Act funding to support the provision of consumer advocacy for services for residents in long-term care facilities across Pennsylvania and the program will seek to expand its virtual presence to residents and their families. We encourage Pennsylvania to promptly utilize these funds for this much needed technology and equipment, including videoconference, two-way audio-video options, acquisitions or expansion of broadband internet access services, and services and items necessary to carry out virtual visits and telehealth appointments (including training for staff or others in how to use the technology), and assistance to residents to facilitate virtual visits, as well as consider how such communications could be part of telehealth.

With appreciation for the opportunity for AARP Pennsylvania to share our nursing home concerns in the midst of the coronavirus pandemic with you, we are ever mindful that we do so as we enter the month of May. Since 1963, the month of May has hosted Older Americans Month – a time to acknowledge the contributions of past and current older persons to our nation, in particular those who defended our country. Their time, experience, and talents

benefit family, peers, and neighbors every day. Today, more than ever we can all make a difference in the life of an older adult, support of caregivers, and strengthen communities by taking action now to make nursing home and other resident care facility safety a priority. We must demand PPE and testing be made available in facilities, require more transparency so that we know which facilities have COVID-19 cases, insist that facilities have the resources needed to provide and support virtual visitation for their residents, and ensure timely transfer or discharge notice and clear and comprehensive information for residents and families. AARP Pennsylvania stands ready to work with you to ensure that we can protect our most vital and most vulnerable residents and defeat this common enemy.

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<sup>1</sup> Map: Megan Lavey-Heaton, PennLive.com Source: [Pa. Dept. of Health Get the data](#)