

CALIFORNIA *Forum*

Systemic problems revealed in state nursing homes



BY CAROLE HERMAN
Special to The Sacramento Bee

COVID-19 has exposed the fact that infection control in nursing homes is non-existent and state inspectors have not been paying attention.

New York's attorney general discovered state officials had undercounted nursing home deaths during the pandemic by as much as 50%. Meanwhile, New York Gov. Andrew Cuomo issued an executive order that would have required nursing homes to re-admit residents with COVID-19 — though this order was later rescinded.

New York is certainly not the only state that should be looked into — Gov. Gavin Newsom should also have his feet held to the fire.

After California spent \$12 million in a rushed effort to open an emergency medical facility operating out of Sleep Train Arena, the site only ever saw nine patients in 10 weeks.

A Los Angeles Times report from 2020 found that some California nursing homes were not testing residents to avoid bad publicity.

And in an attempt to save hospital beds for COVID-19 patients, it looked as if some skilled nursing facilities in California would be required to accept individuals recovering from COVID-19 who were still infectious, according to CalMatters. This requirement was later revised to allow facilities the option to refuse these patients if they lacked the means necessary to prevent the spread of COVID-19.

Statewide, California has seen over 12,000 nursing home deaths tied to COVID-19 — accounting for 29% of the state's total COVID deaths.

The Foundation Aiding The Elderly (FATE), a Sacramento-based non-profit, knows of many families who have had their loved ones removed from facilities and placed into emergency rooms only to discover they were suffering from poor care, not COVID-19. This first-hand knowledge has led me to believe that malnutrition,

SEE HERMAN, 4C

CALIFORNIA Forum

FROM PAGE 1C

HERMAN

bedsores, falls, dehydration or other unnecessary health issues caused by insufficient staffing might have been present in some of the recent fatalities at California nursing homes solely attributed to COVID-19.

Subsequent to the establishment of Medicare in July 1965, federal and state regulations were established to protect our most vulnerable who were entering nursing homes. Yet during FATE's 38 years of advocacy, poor nursing home care, neglect and abuse has continued to escalate.

State regulators are not holding nursing home operators accountable for harming patients — meaning the industry has no incentive to improve care while operators continue to reap large profits at the expense of our elders.

In the case that a nursing home operator does receive a violation with a civil penalty, they are not required to pay the entire fine. That would be like getting a speeding ticket but not having to pay the

fine — so why not speed again?

The number one issue that results in poor care and neglect in nursing homes is understaffing. If there is not enough staff to care for the patient's needs, it's automatic neglect. Nursing homes are chronically insufficiently staffed to meet the needs of their patients, yet operators continue to get paid, mostly with our tax dollars.

State inspectors go into facilities with blinders on and don't substantiate the majority of complaints filed by the victim's families or advocacy groups like FATE.

During the COVID-19 pandemic, banning visits by family members placed nursing home patients at a higher risk for harm and allowed the industry to operate with little to no oversight and receive more money.

Since the beginning of March, when the number of COVID cases began to decline, the Center for Medicare Services, in conjunction with the state

Department of Public Health, began to lessen restrictions on visits to nursing home patients.

Nursing homes are still required to use distancing and other precautions to ensure the health and safety of patients. However, FATE has received numerous calls that facilities are still attempting to not allow visits to patients, which is not within the guidelines of the regulations.

Guidelines given by facilities include a rule that no children under 12 years of age are allowed in the facility. In addition, frequent visitors must be tested every three days and show proof of the tests being negative. Family members are not allowed in the patients' rooms, only in designated areas of the facilities. Yet some patients are not capable of leaving their rooms.

Family members are the eyes and ears of the patients in these facilities and not allowing them in to see their loved ones has been disastrous.

FATE has served over 8,000 families all over the country and has heard horrific stories of abuse that would otherwise be

ignored.

The system to monitor nursing homes not only for the protection of our most vulnerable, but to ensure that our tax dollars are spent appropriately — to care for the patients who helped build this country — is clearly not working.

It's a system that continues to reward an industry that violates our rights and harms all consumers.

So, if you or a loved one ends up in a nursing home, learn your rights. Stand up and let your voice be heard. No one will protect your loved one other than you.

Carole Herman is president of the non-profit Foundation Aiding The Elderly (FATE). She formed this advocacy organization after the untimely death of her aunt in a California nursing home in 1982. FATE advocates for the rights of patients in long-term care facilities, assisted living facilities, residential care homes and acute hospitals and provides referral information for other types of services.