

Testimony
SB 2145
House Human Services Committee
Representative Weisz, Chairman

March 16, 2021

Chairman Weisz and members of the House Human Services Committee, I am Karla Backman, State Long-Term Care Ombudsman – essentially the program administrator for the North Dakota Long-Term Care Ombudsman Program. I am testifying today in support of Engrossed Senate Bill 2145.

As the State Long-Term Care Ombudsman, I have the honor and responsibility of advocating to protect the health, safety, welfare, and rights of residents of long-term care facilities. As you are fully aware, in response to the public health crisis of the COVID-19 pandemic, both federal and state authorities responded by waiving many rights of the residents of long-term care facilities. One of the rights waived was the right to visitation from individuals of the resident's choosing. This crisis response over the long term has been shown to have negative effects on many residents – depression, increased confusion, physical decline etc. We have just marked the one-year anniversary of federal officials banning visits in nursing homes, and April 6, 2020 is when Governor Burgum signed an executive order suspending visits in nursing homes and basic care long-term care facilities. With those actions many rights of residents of long-term care were waived. Fortunately, there has been steps forward in reopening our long-term care facilities. The Governor rescinded the executive orders for long-term care facilities last week, and CMS also revised their guidance.

I support Engrossed Senate Bill 2145 as another important move towards the restoration and protection of the right of residents of long-term care facilities to have contact with individuals of their choice and their right to have visitors.

The lockdown and isolation caused by the protection from COVID-19 triggered physical, mental, and cognitive decline. The addition of an essential caregiver could have reduced this decline. The essential caregiver can also be a support to the staff of long-term care facilities. The challenge of having adequate staff to meet resident needs is ongoing. During the current public health emergency there has been an additional toll on the staff caused by infection control processes and staff shortages caused by quarantine.

I believe this bill is a step in establishing best practice for residents of long-term care facilities. It is person-centered and honors the rights of residents that should not be waived. This bill is introduced due to the handling of the COVID-19 public health emergency, and I believe it will also be relevant for future events and a support of North Dakota Century Code 50-10.2 - Rights of Health Care Facility Residents.

That concludes my testimony and I welcome questions from the committee. Thank you much for your time.