

Know Your Rights

COVID-19 and Long Term Care Facilities

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People in nursing homes, group homes, assisted living, and other long term care facilities are concerned about their risk of exposure to COVID-19. There is a high risk of the virus spreading in facilities where many people live or congregate especially if the facility does not follow the proper guidance around infectious disease. This guide answers some COVID-19 questions about residents' rights and what facilities should be doing to keep residents safe.

How can long term care facilities reduce the risk of exposure to COVID-19 for residents?

The [Center for Disease Control and Prevention \(CDC\)](#) has issued [critical guidance](#) for staff at long term care facilities including:

- » **Information:** provide residents with regular facility conditions updates and information about COVID-19 emphasizing the importance of social distancing, hand hygiene and cough etiquette, and wearing facemasks and plan in place for frequent communication with residents and families about facility conditions and individual resident updates.
- » **PPE:** provide ongoing access to personal protective equipment (PPE) such as facemasks and gloves.
- » **Clean Hands:** provide necessary hand cleaning supplies including:
 - » alcohol-based hand sanitizer in all resident-care areas including both inside and outside resident rooms,
 - » sinks are stocked with soap, water, and paper towels, and
 - » staff wash their hands or use hand sanitizer before and after contact with each resident, after using medical equipment, and after taking off masks, gowns, and/or gloves

- » **Screening:** identify infections early and take actions to prevent spread including screening all staff coming into the facility for fever and symptoms of COVID-19.
- » **Quarantine:** create a separate space to monitor and care for residents with COVID-19.
- » **Training:** educate and train all staff (including volunteers and consultants) about COVID-19 policies and strict adherence to standard infection prevention and control including staying home when sick.
- » **Cleaning:** Develop a schedule for regular cleaning and disinfection of all shared equipment, frequently touched services, and common areas.
- » **Updating and Asking for Help:** contact local or state public health officials for more information or assistance including access to PPE, testing, and updated information.

Who is allowed to visit me and why?

Both the CDC and the [Oregon Department of Human Services](#) (DHS) have issued guidance limiting visitors to long term care facilities because of the spread of this virus in these facilities and the risk of severity this illness may have on residents with underlying medical conditions. DHS limits visitors to the following list of “essential individuals”:

- » Facility staff
- » Outside medical personnel
- » Vendors
- » Adult protective services staff
- » Licensing/ Survey staff
- » Long Term Care Ombudsman and Deputies (not volunteers)
- » Friends or family members visiting during end-of-life stages
- » Friends or family who are essential for the individual’s emotional well-being and care

How can I communicate with my loved ones while visitation is suspended?

Contact with friends and family is always important, especially during this pandemic. Residents can ask for a friend or family member to be considered an “essential visitor” based on their emotional well-being and related mental health needs. You can also consider alternatives to in person visits including:



- » Sending handwritten letters and cards
- » Using technology, such as video conferencing (Skype, FaceTime), Facebook, text message, or email.
- » Making video greetings, including through apps such as WhatsApp and Marco Polo
- » “Visiting” through a window or glass door

May I leave the facility to go on walks or go on community outings?

Yes. Facilities were ordered to stop all community outings but they are prohibited from preventing you from leaving. To ensure that you are safe, the facility must provide you with personal protective equipment (PPE) or guidance on how to limit your exposure to the virus while in the community including maintaining a six-foot distance from others. The guidance recommends that they screen or test you when you come back to make sure you don't bring the virus back into the facility. However, the facility can not threaten to kick you out or put you in seclusion or quarantine.

What are my rights during this crisis?

- » Be free from abuse, neglect, and exploitation.
- » Ask facility staff to schedule a regular time for residents to communicate with their family and to assist them if they need help.
- » Receive reasonable accommodations including picking a family member or friend as an “essential visitor” to help with her mental health needs.
- » Go outside or leave the facility long as PPE and social distancing rules are followed.
- » Be free from forced move outs until June 22, 2020. Governor Brown recognized in her Executive Order 20-11 that, “This is both a moral and public health imperative. Keeping people in their homes is the right thing for Oregon families, and preventing the further spread of COVID-19.”
- » Receive the care and services you need including going to outside appointments.
- » Participate in developing and implementing a person-centered plan of care that reflects personal and cultural preferences. This includes your right to make decisions about your care now and in the future, such as what treatment you might want related to COVID-19.
- » Voice grievances without discrimination or retaliation, or the fear of it, and prompt efforts by the facility to resolve those grievances.

- » Request regular updates from the facility about what it is doing to prevent the spread of COVID-19 and/or care for any residents who are ill.
- » Ask for the results of the facility's self-assessment of its infection control practices.
- » File a complaint with your state survey agency, Long Term Care Ombudsman (LTCO), or Disability Rights Oregon (DRO).

Are facilities required to disclose when they have residents or staff members who have COVID-19?

Yes. Under recent federal guidance, nursing homes must disclose when residents or staff members have COVID-19. Nursing homes are also required to inform residents and their representatives about conditions inside the facility including any occurrences of a confirmed COVID-19 infection within 12 hours. The nursing home must provide weekly updates and include information on actions they're taking to reduce or prevent transmission.

Is it possible to be discharged from my facility due to the risks associated with the COVID-19 pandemic?

Yes. Facilities may or may not issue a Move Out Notice (MON) if they believe your conduct is creating a danger to yourself or others at the facility. If you receive a MON or Not, contact the Oregon Long Term Care Ombudsman program immediately.

You have the right to a safe and orderly discharge or transfer if you choose to move from the facility. If you are considering moving due to existing safety concerns, you may also talk to the director of nursing or administrator about your concerns and ask what they will do to address them.



Important Contacts

Disability Rights Oregon

511 SW 10th Ave.
Portland, OR 97205
Work: (503) 243-2081
Fax: (503) 243-1738

Oregon Long Term Care Ombudsman

3855 Wolverine NE, Suite 6
Salem, or 97305-1251
Work: (800)522-2602
Fax: (503) 373-0852
Website: <http://www.oregon.gov/LTCO/Pages/index.aspx>

Health Care Licensure & Certification Oregon DHS Nursing Facilities Licensing & Corrective Action

500 Summer Street, NE, Suite 320
Salem, or 97301-1287
Work: (503) 373-1974
Fax: (503) 589-9114

Other Helpful Resources

- » www.seniorlonelinessline.org
- » Seniorresource.com
- » [CDC Preparing for COVID-19: Long-term Care Facilities, Nursing Homes](#)
- » [DHS Executive Letter specifying immediate additional policies to limit exposure to the Novel Coronavirus \(COVID-19\)](#)
- » [Governor's Order 20-11](#)
- » [Centers for Medicaid and Medicare Guidance on Reporting COVID-19 Infection](#)

