



Idaho Commission on Aging

Brad Little, Governor

Judy B. Taylor, Director

Amanda Scott, State Long Term Care Ombudsman

August 25, 2020

Dear Chairman and Co-chair:

The State Long Term Care Ombudsman Program, on behalf of Idaho's residents in long term care facilities and all older Idahoans, urges you to reject proposals to grant immunity related to COVID-19 for nursing homes, assisted living facilities, and other long-term care facilities as you hold your special legislative session, relating to the Coronavirus Limited Immunity Act; amending Idaho Code.

Prior to Covid-19, nursing home residents were visited by their families and friends, who kept a vigilant eye on the care their loved ones were receiving and the environment they were living in. Residents were visited and assisted by the advocacy of long-term care Ombudsmen who provided education, mediation and resolved complaints to the resident's satisfaction. In response to COVID-19, these necessary protections are not operating at optimal capacity to ensure resident safety. Due to lockdowns, residents are living and dying in long term care facilities isolated from their families with very little oversight. In truth, very few people, other than staff, know what is happening in nursing homes and assisted living facilities. Essentially, the only means available for a resident to hold facilities responsible for substandard care is judicial recourse. By removing this civil liberty, long term care facilities will have limited accountability for their actions or inactions.

I would encourage you to look at the Department of Health and Welfare website:

<https://healthandwelfare.idaho.gov/Medical/LicensingCertification/FacilityStandards/LTCSurveyResults/tabid/315/Default.aspx>) which provides to the public details of long-term care facility surveys prior to making a decision to support these amendments to Idaho code. A review of even some of these facilities would emphasize the necessity to allow residents and families to pursue legal action during good times, let alone at this remarkably challenging time. Issues of lack of care, poor medication management, facility acquired wounds, dehydration, weight loss, elopement, falls with injury and even death,

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just to name a few. While some circumstances may be beyond the facilities' control, it is essential that long-term care providers, as well as health care providers more broadly, remain responsible for any negligent actions that fail to protect the health and lives of residents.

The pandemic has put residents' health, safety, welfare and quality of care at unprecedented risk, as reflected by the nations loss of life of residents residing in long term care facilities. The State Long Term Care Ombudsman Program adamantly urges you to protect the safety of residents, including by maintaining the rights of residents and their families to seek legal recourse to hold facilities accountable when residents are harmed, neglected, or abused.

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