

December 23, 2021

Administrator Chiquita Brooks-LaSure
Centers for Medicare & Medicaid Services
Department of Health & Human Services
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

Since the revision of CMS' nursing home visitation guidance on November 12, 2021, hundreds of thousands of residents have been reunited with their loved ones. CMS's action to restore full visitation rights came after a year and a half of residents being isolated and suffering from neglect and decline. The lockdown of nursing homes was devastating for residents. For years, nursing homes heavily relied on family members to provide care despite requirements to have sufficient staff available to meet residents' needs. As a result, nursing homes were left with inadequate staffing, as families were barred and many paid caregivers became sick, resigned, or were let go. Inevitably, residents suffered and died. In November 2020 the Associated Press estimated that there were 40,000 excess deaths in nursing homes in 2020, not attributable to COVID-19.¹ A recent study in Canada showed that residents who had no contact with family or loved ones were significantly more likely to die than residents who did have contact with loved ones.² Full restoration of visitation rights is saving lives.

The Consumer Voice issued two reports documenting the devastating effect of lockdowns on residents.³ 87% of family members reported a decline in their loved one's physical appearance and 91% reported a decline in mental status. Family members reunited with their loved ones reported significant weight loss, poor grooming, loss of the ability to speak, hopelessness, and suicidal ideation. Residents' rooms were filthy and clearly often had not been cleaned in weeks.

Importantly, the lockdowns did not work. COVID-19 still ravaged nursing homes. Staff continued to bring in COVID-19, which as CMS itself noted, was the result of poor infection control practices. Vaccines have proven to be the only defense against COVID-19. Today, 87% of residents are fully vaccinated, along with 77.3% of staff.⁴ Additionally, residents are receiving boosters. As a result, cases and death continue to be significantly lower than they were at the height of the pandemic.

¹ <https://apnews.com/article/nursing-homes-neglect-death-surge-3b74a2202140c5a6b5cf05cdf0ea4f32>

² Rachel D. Savage, et al, "Excess mortality in long-term care residents with and without personal contact with family or friends during the COVID-19 pandemic," *Journal of the American Medical Directors Association* (posted 2021), [https://www.jamda.com/article/S1525-8610\(21\)01067-7/pdf](https://www.jamda.com/article/S1525-8610(21)01067-7/pdf)

³ https://theconsumervoice.org/uploads/files/issues/Devasting_Effect_of_Lockdowns_on_Residents_of_LTC_Facilities.pdf
https://theconsumervoice.org/uploads/files/issues/Limitations_on_Visitation_Continue_to_Harm_Nursing_Home_Residents.pdf

⁴ <https://data.cms.gov/covid-19/covid-19-nursing-home-data>

We are deeply concerned that some are now calling for CMS to allow nursing homes to return to the days of facility lockdowns and resident isolation by allowing nursing homes discretion to restrict visitation. This request was made absent any evidence that the lifting of visitation restrictions has harmed residents. For many residents, being reunited with their loved ones has alleviated the suffering and isolation caused by inadequate staffing in nursing homes. Rather than restricting visitation, nursing homes should be focusing on ensuring residents' care needs are met and ensuring proper infection control protocols are in place and being followed. We cannot go back to the days of the pandemic where residents languished alone in their rooms, wasting away and often dying alone.

Tens of thousands of nursing home residents died alone during the pandemic-often sharing their last moments with their loved ones over a CNA's personal phone. We cannot allow this inhumane and cruel treatment of residents to return. Please stand with nursing home residents and their families and leave QSO-20-39-NH in place.

Sincerely

California Advocates for Nursing Home Reform (CANHR)
Center of Medicare Advocacy
Long Term Care Community Coalition
Michigan Elder Justice Initiative
National Consumer Voice for Quality Long-Term Care

cc: William Harris, Senior Advisor, Office of Administrator
Evan Shulman, Director, Division of Nursing Homes
