



SOLANO COUNTY CIVIL GRAND JURY

2020-2021

COVID-19: RESIDENT SAFETY IN NURSING HOMES

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Solano County Civil Grand Jury 2020-2021

I. SUMMARY

The 2020-2021 Solano County Civil Grand Jury conducted inquiries into the effects of the coronavirus (COVID-19) pandemic on the safety of residents in skilled nursing home facilities. It reviewed infection control, personal protective equipment usage (i.e. masks, gloves, gowns) and training policies for staff. In addition, the jury reviewed the implementation of health and safety protocols to protect this high-risk population.

Facilities in Solano County struggled to implement California Department of Public Health COVID-19 guidelines because of:

- insufficient personal protective equipment (PPE)
- inadequate staff training in infection control and PPE use
- high turnover rate of nursing and support staff making training difficult
- inadequate nurse staffing

The Solano County Division of Public Health reported that staff introduced most of the COVID-19 virus into these fragile environments. The healthcare workers were not always vigorously following Solano County and Centers for Disease Control guidelines. Another concern was that lock down orders from the Governor's Office limited monitoring of the health and wellness of residents.

II. INTRODUCTION

The high number of cases in the Windsor Vallejo Care Center brought the impact of COVID-19 to the attention of the Solano County Civil Grand Jury. The facility has a 166-bed capacity. By the end of May 2020, 112 of its residents and 34 staff members tested positive for COVID-19; sixteen of those residents died. Close living quarters in these facilities make residents and healthcare workers extremely vulnerable to infectious diseases. Healthcare experts emphasize that utilizing best practices for infection control can reduce the spread of disease. In August of 2020, the California Commission on Aging stated that residents of Skilled Nursing Facilities (SNFs) represent less than two percent of California's older adult population (85 years +). Yet, they represent 43% of the state's deaths from COVID-19. This pandemic has highlighted the ongoing problems of poor infection control, understaffing, and poor regulation of nursing homes here and across the nation.

According to ABC News' analysis, "Nursing homes were among the hardest-hit facilities early on in the pandemic. By the end of October (2020), there had been at least 82,000 COVID-19 deaths in nursing homes and long-term care facilities throughout the 41 states where data was available."

III. METHODOLOGY

Reviewed:

The Great Barrington Declaration, October 4, 2020
KTVU-2 News Segment, November 13, 2020
California Code of Regulations (CCR), Title 22, Chapter 3
California Assembly Bill 2644, Section 1 and Section 2
California Department of Public Health Infection Prevention, Recommendations, and
Incorporation into the Quality and Accountability Submental Payment (QASP) Program
New York Times, *An Unprecedented Effort to Stop the Coronavirus in Nursing Homes*
Centers for Disease Control and Protection (CDC)
State of California, *Proclamation of a State of Emergency*
Centers for Medicare and Medicaid Services
Team Health, *Today's Geriatric Medicine*
Pandemic Nation, *A Nursing Home Tragedy in Vallejo*

Interviewed:

Ombudsman Administration Personnel
Public Health Administration Personnel

Requested Information:

Health and Social Services Administration
Sheriff's Office Administration

Websites:

<https://trackbill.com/bill/california-assembly-bill-2644-skilled-nursing-facilities-deaths-reporting/1902077/>
<https://capitalandmain.com/nursing-home-tragedy-in-vallejo-0602>,
AARP.org/coronavirus
PBS.org/newshour/health/covid-19, Oct 20, 2020

IV. STATEMENT OF FACTS

The first confirmed case of Coronavirus (COVID-19) in the United States was identified on January 21, 2020 in Washington State. Since that time the virus has ravaged the country and led to over 400,000 COVID-related deaths from the disease. As of January 20, 2021, the California Department of Public Health (CDPH) reported 3,039,044 cases in California with 35,004 fatalities. Forty-three percent of California's deaths from COVID-19 have been in nursing homes even though the elderly represent less than two percent of the state's older population.

CDC – Age Increases Risk for Hospitalization

	<u>Hospitalization</u>	<u>Death</u>
18-29 years	Comparison Group	Comparison Group
30-39 years	2x higher	4x higher
40-49 years	3x higher	10x higher
50-64 years	4x higher	30x higher
65-74 years	5x higher	90x higher
75-84 years	8x higher	220x higher

Source of information: CDC Website

Nine licensed nursing homes are located in Solano County. These skilled nursing facilities (SNF) provide ongoing and extended nursing care to its residents. The residents of these homes are typically elderly and vulnerable to infectious diseases due to underlying chronic medical conditions.

The high number of deaths in the Windsor Vallejo Care Center sounded the alarm that the elderly in nursing care facilities were at higher risk than the rest of the county's population. Solano County Division of Public Health administrators expressed their surprise that the mortality rate wasn't significantly higher. They specifically cited the lack of infection control procedures, lack of training, staff turnover and lack of use or lack of proper use of PPE as contributing factors to the outbreak.

In the fall of 2020, Parkrose Gardens of Fairfield and Magnolia Court in Vacaville experienced a rise in deaths due to COVID-19. Although they are congregate living facilities, not skilled nursing home facilities, the deaths do point to the fragility of our older populations living in group settings.

The primary concern was determining how COVID-19 was introduced into the facilities. Early on, little was known about the transmission of the disease so protocols such as social distancing and use of PPE were not in place. Once case investigation and contact tracing was implemented, it was determined that the staff was introducing COVID-19 into the nursing homes. Prior to Covid-19, staff members were not required to use PPE on a regular basis. As a result, staff may not have been trained on proper use or may have been complacent since PPE protocols were not part of their regular routine. The COVID-19 pandemic created an environment where PPE use is required at all times to mitigate the spread of disease. Inexperience in the use of PPE and lack of training in proper usage were significant issues. Consequently, on May 11, 2020, the California

Department of Public Health (CDPH) began requiring skilled nursing homes to implement strong infection prevention and control programs to protect the residents and healthcare personnel.

One of the primary challenges for nursing homes has been adequate staffing for patient care. CDPH requires 3.5 direct nursing care service hours each day for each patient in SNFs. Several issues came to light as Solano County nursing homes tried to implement the health safety guidelines set forth by the California Department of Public Health. The unexpected COVID regulations overwhelmed some of the care centers as they strived to provide personnel with the necessary PPE. Once they obtained the proper equipment, it became apparent that many of the staff did not know how to use the PPE appropriately. High turnover rates did not allow time for proper training and evaluating skill sets of employees. Staff in skilled care facilities are underpaid so retaining trained employees has been difficult and has led to a shortage of experienced personnel.

As of January 1, 2021, Assembly Bill (AB) 2644 requires all SNFs to:

- have a plan in place for infection prevention quality control
- ensure all healthcare professionals (HCPs) receive infection prevention and control training on an annual basis
- have a full-time Infection Preventionist (IP) on staff to make recommendations and implement policies within the facility for infection control

CDPH will maintain oversight powers of the implementation of the Bill.

Lockdowns in SNFs pose a risk to the residents. According to the Centers for Disease Control and Prevention, social isolation and loneliness significantly increase the risk of premature death. According to the American Association of Retired Persons (AARP), “there has been a thirty-two percent increase in the risk of stroke, and a nearly fourfold increased risk of death among heart failure patients” due to social isolation. This risk is on par with smoking, obesity, and physical inactivity. Social isolation is also associated with a 50 percent increased risk of dementia.

Depression plays a large part in the mental well-being of these patients. Residents are losing whole support systems including their friends with whom they sit in the dining hall or see in activities. There are limited entertainment opportunities since such activities would not allow social distancing nor would it allow outsiders into the facilities. In addition, families have not been allowed to visit. It is not unusual to see news stories relating incidences in which families were not able to be at the bedside of their loved ones as they pass away because of the mandated lockdown precautions.

The CDPH licenses all skilled nursing facilities in the state of California. It provides regulatory oversight of “licensed health care facilities and health care professionals” to ensure patient safety and quality care. During the COVID-19 pandemic, CDPH has provided guidelines for isolating infected patients, isolating new patients and establishing quarantine protocols for improving patients.

The Solano County Division of Public Health serves the community by promoting health. In addition to providing other health-related services, it monitors hazardous health issues and prepares for public health emergencies.

Although the Solano County Division of Public Health works with and assists SNFs whenever a communicable disease outbreak occurs, they have no direct jurisdiction over nursing home operations. However, they do have the authority to close facilities to new admissions when disease is suspected. They can also limit admissions if the facility is not in compliance with CDPH guidelines. Solano County Division of Public Health monitors COVID-19 protocols in nursing homes and rehabilitation centers. The County can also provide stricter guidelines than the State if local conditions require which it did at the onset of the pandemic. CDPH guidelines have become stricter and are now in line with Solano County guidelines.

There are many unlicensed elder care residences in Solano County. Neither California Department of Public Health nor Solano County Division of Public Health (SCDPH) have oversight of these congregate living sites. The SCDPH can, however, offer assistance if an unlicensed nursing home contacts them. It also has the authority to step in if there is a positive COVID-19 case found. Approximately two dozen unlicensed facilities have sought assistance through the SCDPH directly.

The SCDPH holds regularly scheduled virtual meetings with licensed healthcare facilities to provide updated healthcare information. Participation is open to all county facilities including those that are unlicensed.

When COVID-19 outbreaks are identified in a congregate setting, including licensed nursing homes, the SCDPH offers testing to residents and staff members. This testing will be ongoing until no new cases are identified over a fourteen-day period.

In March of 2020, the Governor declared a state of emergency in California and issued a stay-at-home order. The order precluded any direct contact with the residents of these facilities. CDPH and county health officials were allowed to enter the facilities for testing purposes.

The role of the Ombudsman's Office is to address complaints from residents and the families of residents within licensed long-term care facilities, including skilled nursing homes. During the lockdown, the Ombudsman staff members were prohibited from visiting facilities due to an order from the Centers for Medicare and Medicaid Services. If there were complaints, the office would arrange for virtual visits to address the concerns received. In California complaints for April, May and June dropped 60% compared to January, February and March due to the lack of in-person contact with the Ombudsman representatives. Although the Ombudsman do not serve as inspectors, the Division of Public Health Services informed the Grand Jury that it had the authority to deputize the Ombudsman staff so they would be authorized to enter the SNFs during the pandemic.

V. FINDINGS AND RECOMMENDATIONS

FINDING 1 – Isolation brought about by COVID-19 lockdowns caused unexpected mental and physical health issues.

RECOMMENDATION 1 – In full compliance with CDC protocols, Solano County Division of Public Health be available to assist facilities in putting stringent screening protocols in place to protect residents once visitors are allowed to enter the facilities.

FINDING 2 – Registered Nurses, Licensed Vocational Nurses, Certified Nursing Assistants, and other healthcare employees need more training in infection control techniques including personal protection equipment use.

RECOMMENDATION 2a – If requested by the facilities, Solano County Division of Public Health provide support for improved staff training as well as on-going mentoring.

RECOMMENDATION 2b – If authorized by the State, Solano County Division of Public Health support the state’s efforts to establish a system for monitoring the implementation of California State Assembly Bill 2644.

FINDING 3 – Staff members have not been properly trained in implementing proper infectious disease protocols.

RECOMMENDATION 3 – Upon request, Health and Social Services work with skilled nursing facilities to ensure that new and existing staff undergo continual training in federal and state prescribed infectious disease safety protocols.

FINDINGS 4 – Evidence provided by health professionals indicates staff brought COVID-19 into facilities.

RECOMMENDATION 4 – When requested by the facility, Solano County Division of Public Health establish and continue to provide more stringent screening protocols of all staff .

FINDING 5 – Ombudsman staff did not visit the Skilled Nursing Facilities in Solano County from March 16, 2020 through August 31, 2020.

RECOMMENDATION 5 – The Administration of the Division of Public Health has indicated that the Ombudsman staff can request and receive a waiver during lockdowns to safely enter SNFs. In light of this, Ombudsman staff request a waiver and continue to visit Skilled Nursing Facilities.

COMMENTS

It is concerning that during a pandemic such as the one we are currently continuing to experience, local county agencies have such limited authority in keeping the vulnerable residents in nursing home facilities safe.

It would be advantageous for the county, state and cities to work together to apply the laws and regulations that have been put in place to protect this population.

REQUIRED RESPONSES

Solano County Division of Public Health Administration
Health and Social Service Administration
Ombudsman Administration