

Allow designated visitors into NY Nursing Homes (Commentary)

By Sen. Rachel May | 53rd Senate District

Sen. Rachel May, D-Syracuse, represents the 53rd Senate District in the New York State Legislature.

We have watched in horror as Covid-19 came to New York, spread through our communities and devastated our most vulnerable populations. Its tragic impact on nursing homes prompted Gov. Andrew Cuomo last March to issue a visitation ban for what he called “ground zero” in the rampaging pandemic. Seven months later, even as infection rates statewide have declined, thousands of families and nursing home residents face a new crisis - one that is largely removed from the glare of devastating headlines.

This time around, the threat comes not from a rampaging virus but from the mounting consequences of extended isolation. As other segments of society reopen and strive to return to some semblance of pre-pandemic “normal,” I continue to hear daily from anguished families unable to visit with, hug and help or care for their loved ones due to ongoing visitation restrictions. They share with me the insidious toll of those restrictions, measured now in escalating levels of depression, weight loss, cognitive decline and “failure to thrive” - all life-threatening challenges to vulnerable, often frail, nursing home residents.

Recently we succeeded in persuading the Department of Health to reduce its draconian 28-day policy on visitations to 14 days without a positive case at a given facility. But realities on the ground reveal how difficult even the 14-day bar can be to clear and, even when facilities meet that goal, many decline to avail themselves of the option to allow visits to resume.

It’s past time for us to address this crisis. We must take decisive action, as many other states have done, to allow designated visitors to safely resume in-person visits. Toward that end, I have introduced a bill (S8958) that would allow each resident to designate one personal caregiver to be exempt from such visitation bans in order to help care for their loved one. This would address the urgent concerns of those who, prior to the pandemic, served as de facto “staff,” assisting their loved one regularly with feeding, bathing, communication and other activities of daily living. The bill also would expand compassionate care visitation beyond just “end-of-life” situations to include instances where there is a marked and obvious decline in mental, physical or emotional wellbeing.

These designated visitors would follow the same safety protocols as staff members, in terms of testing and PPE. Many family members have undertaken extreme precautions for months, in anticipation of finally being allowed to visit. We are confident that they will continue to be vigilant about infection control, since their motivation for protecting their loved ones and keeping the facility safe is very great indeed.

We cannot understate the horrific impact of the pandemic on nursing homes. But in our zeal to avoid another wave of infections, we have created a situation in New York state that denies residents, for months on end, access to those who care for them most and understand them best, ultimately putting them at risk of accelerated mental, physical and emotional decline and even death.

Families and residents have waited long enough for protocols that balance safety concerns with the right to visit their loved one in their own “home.” We have to stem the humanitarian crisis that continues to grip our nursing homes, causing emotional trauma for families and a tragic decline in quality of life for loved ones. Allowing well-regulated exemptions for designated visitors would be a reasonable, pragmatic and compassionate step toward re-establishing those human lifelines that are so crucial to the wellbeing of nursing home residents.

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