

RESOLUTION HONORING VICTIMS AND SURVIVORS OF THE COVID-19 PANDEMIC IN MASSACHUSETTS

WHEREAS, the 2019 novel coronavirus, SARS-CoV-2, also known as COVID-19, and all its variants are a deadly illness caused by a virus that can transmit from person to person; and

WHEREAS, in 2020, COVID-19 began to spread throughout the world, creating a global pandemic that has had a catastrophic impact on human life, communities in the Commonwealth, communities in the United States and the United States economy; and

WHEREAS, in March 2020, communities in every state began to experience increased loss of life, especially among residents of nursing homes, other older adults, people with disabilities, and their caregivers; and

WHEREAS, since the pandemic took such a devastating toll on nursing home residents nationally, and in particular in Massachusetts, it's important to document their loss of life. Nationally, nursing home residents account for about 16%¹ of COVID-19 deaths as of February 2022. In the Commonwealth, the most current data available (as of December 2021) showed that over 5,700 nursing home resident deaths accounted for about 30%² of the state's nearly 20,000 COVID-19 deaths, even though nursing home residents comprise less than half of 1% of the population³.

WHEREAS, COVID-19 is more dangerous, more deadly for older individuals, no matter where they live. Someone who is 75 to 84 years old has about six times the chance of being killed by the virus as those between 50 and 65, while the risk goes to about 15 times as high for those above 85.⁴

WHEREAS, people with intellectual disability suffered one of the largest risk factors for COVID-19 mortality⁵, much of which came from people with intellectual disabilities being concentrated in institutional settings. People with mental health diagnoses are also at elevated risk, partly for similar reasons.⁶

WHEREAS, working conditions have always been challenging in nursing homes, but this has been magnified during the pandemic. Across the US, as of November 2021, over one million staff have had confirmed COVID-19 cases, and nearly 2,300 staff have died from COVID-19⁷, making the nursing home caregiver the most dangerous job in America.⁸

WHEREAS, for several months into the pandemic, the federal and state governments did not provide sufficient or appropriate PPE supplies to nursing home workers across the country⁹, putting the lives of all nursing home workers and nursing home residents in jeopardy.

WHEREAS, home health care workers, who are essential to supporting older adults and individuals with disabilities in their homes and maintaining their integration in communities throughout the Commonwealth, were unjustifiably neglected as the essential front-line workers they are and denied critical access to the COVID tests and adequate personal protective equipment that were provided to front-line workers in other health care settings; and

WHEREAS, neither providers of care, supports and services to older adults and people with disabilities, nor the owners and managers of nursing homes, provided sufficient trained staff or robust infection control, under routine, let alone pandemic, circumstances to provide more than minimal protective measures;¹⁰ and

WHEREAS, the failure of the nursing home federal and state oversight process contributed to the lack of preparation for the most serious public health emergency in a century¹¹; and

WHEREAS, the early response of both government agencies and providers included policies and practices that isolated residents of nursing homes, rest homes, assisted living residences, continuing care retirement communities, group homes, and elderly housing from family and friends, leading to unhealthy conditions including delayed attention to non-COVID health conditions, loneliness, depression, and other forms of irreparable harm; and

WHEREAS, many across the Commonwealth and the United States were, and continue to be, personally impacted by COVID-19, including mourning their loved ones, friends and neighbors or suffering from the long-term physical and mental health implications of the virus; and

WHEREAS, public servants, frontline and essential workers and health care professionals took selfless actions to protect those for whom they cared, their neighbors and communities, and found innovative ways to provide services; and

WHEREAS, the COVID-19 pandemic continues to have an impact on older adults, people with disabilities, and their caregivers in the Commonwealth, the United States, and countries around the world; and each life lost to COVID-19, each inequity and broken system brought to light, and each sacrifice made shall never be forgotten.

WHEREAS, the best memorial is transformative change in how nursing home residents, older adults, people with disabilities, and caregivers are treated.

WHEREAS, a state of emergency was declared in the Commonwealth on March 10, 2020, due to the pandemic,

Now, therefore, be it

RESOLVED, that Dignity Alliance Massachusetts hereby commemorates March 10, 2022, and annually each March 10th, as

COVID-19 REMEMBRANCE DAY

And, be it further:

RESOLVED, that participants in Dignity Alliance Massachusetts and other advocates for older adults, people with disabilities and their caregivers pay fitting observance to this solemn occasion and pledge to re-dedicate themselves to creating a long-term care system that offers dignity to all, is person-centered, and helps every person to age in place in the least restrictive setting close to family and friends.

¹ Nursing home resident COVID-19 deaths as % of total US COVID-19 deaths --- 16.1%, as of 2/17/21: 149,107 nursing home resident deaths as of 2/6/22 [COVID-19 Nursing Home Data, Centers for Medicare and Medicaid Services, data.CMS.gov: CMS Tracker <https://data.cms.gov/covid-19/covid-19-nursing-home-data>].

926,497 total US COVID-19 deaths as of 2/17/22 [CDC <https://covid.cdc.gov/covid-data-tracker/#cases>]:

² 28.9% ratio of MA nursing home resident COVID-19 deaths compared to total MA COVID-19 deaths: 5,735 - 12/31/21 MA Resident Deaths: <https://www.mass.gov/info-details/archive-of-chapter-93-covid-19-data#december-2021->, then select: [Chapter 93 Elder Facility Aggregative Report Monthly Update \(data from March 10, 2020 to December 31, 2021\)](#), select sheet entitled Resident Deaths.

19,821 - 12/31/21 Total MA COVID-19 deaths: <https://www.mass.gov/info-details/archive-of-covid-19-cases-in-massachusetts#december-2021->, then select [COVID-19 Raw Data - December 31, 2021](#).

³ 33,334 MA nursing home residents per Q2 '21 Minimum Data Set database [AO800 Gender] <https://www.cms.gov/Research-Statistics-Data-and-Systems/Computer-Data-and-Systems/Minimum-Data-Set-3-0-Public-Reports/Minimum-Data-Set-3-0-Frequency-Report>

6,984,723 7/1/21 MA residents <https://www.census.gov/quickfacts/MA>.

⁴ *For the Elderly, Complacency Could Be a Killer*, Opinion, Zeynep Tufekci, 12/9/21, <https://www.nytimes.com/2021/12/09/opinion/omicron-nursing-homes.html>.

⁵ *The terrible toll of COVID-19 on people with intellectual disabilities*, Wendy Ross, MD, April 20, 2021, <https://www.aamc.org/news-insights/terrible-toll-covid-19-people-intellectual-disabilities>.

⁶ *Association Between Mental Health Disorders and Mortality Among Patients With COVID-19 in 7 Countries, A Systematic Review and Meta-analysis*, JAMA Network, [Guillaume Fond, MD, PhD^{1,2}](#); [Katlyn Nemani, MD³](#); [Damien Etchecopar-Etchart, MD¹](#); et al, <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2782457>.

⁷ Statistics per Centers for Medicare and Medicaid Services data as of 8/8/21: Total Staff COVID-19 Confirmed Cases 602,330. Total staff COVID-19 Deaths 2,004. <https://data.cms.gov/covid-19/covid-19-nursing-home-data>.

⁸ Politico, *Opinion | Nursing homes need fixing. Here's where to start.*, 3/11/21:

<https://www.politico.com/news/2021/03/11/nursing-homes-pandemic-467548?cid=apn>.

⁹ Rau, J., "Nursing Homes Run Short Of COVID-19 Protective Gear As Federal Response Falter" NPR (June 11, 2020) <https://www.npr.org/sections/health-shots/2020/06/11/875335588/nursing-homes-run-short-of-covid-19->: The article points out that "...despite President Trump's pledge on April 30 to 'deploy every resource and power that we have' to protect older Americans," by the end of May, 20 percent of the nation's over 15,000 nursing homes reported that they had less than a week's supply of masks, gowns, gloves, eye protectors, or hand sanitizer..."

¹⁰ *Geography Is Not Destiny: Protecting Nursing Home Residents from the Next Pandemic*, Cinnamon St. John, Center for Medicare Advocacy copywrite, February 2021, page 3, <https://medicareadvocacy.org/wp-content/uploads/2021/02/CMA-NH-Report-Geography-is-Not-Destiny.pdf>: "COVID-19 exploited and exacerbated long-standing issues that existed for decades in the long-term care industry – staff shortages, poor work environments, direct care workers not getting enough pay, training, or solid career prospects, and challenges with basic infection control precautions, to name a few."

¹¹ Office of the Inspector General, *CMS Should Take Further Action To Address States With Poor Performance in Conducting Nursing Home Surveys*, OEI-06-19-00460, January 2022, page 9, <https://oig.hhs.gov/oei/reports/OEI-06-19-00460.asp>:

"...Several States not only failed to meet the same performance measure in each year, but their scores were far below the performance threshold. For example, Massachusetts failed to meet the 95-percent threshold to initiate surveys of high-priority complaints within 10 days by a large margin in all 4 years of the study period. In FY 2015, the State conducted only 31 percent of required surveys and then dropped to 17 percent in FY 2016. In FY 2017, the State score improved to 36 percent, still well below the 95-percent performance threshold. In FY 2018, Massachusetts' score for this requirement fell to 19 percent..."

Office of the Inspector General, *States continued to fall short in meeting required timeframes for investigating nursing home complaints: 2016-2018. Data Brief*, Results page 6, Washington, DC OIG OEI-01-19-00421,

September 2020, <https://oig.hhs.gov/oei/reports/OEI-01-19-00421.pdf>: found that Massachusetts was one of only 10 states that failed to meet CMS’s performance threshold for timely investigation of high priority complaints for 8 consecutive years, from 2011 through 2018.

Infection Control Deficiencies Were Widespread and Persistent in Nursing Homes Prior to COVID-19 Pandemic, General Accounting Office, 5/20/20, <https://www.gao.gov/assets/gao-20-576r.pdf>: showed that infection prevention and control deficiencies were the most common type of deficiency cited in surveyed nursing homes. About 64% of Massachusetts nursing homes had an infection prevention and control deficiency cited in one or more years during that 5-year period. Also, about 16% of Massachusetts nursing homes were cited in multiple consecutive years which is an indicator of persistent problems.

Official Audit Report – Issued September 11, 2019: Department of Public Health, For the period July 1, 2016 through June 30, 2018, <https://www.mass.gov/doc/audit-of-the-department-of-public-health-dph/download>: found that during 7/1/16-6/30/18, DPH did not prioritize and conduct investigations of cases of mistreatment within required timeframes which could result in prolonged physical and financial harm to residents.

The following participants and supporters of Dignity Alliance Massachusetts have endorsed this resolution:

<p>Frank E. Baskin, LICSW Boston Center for Independent Living Charles Carr, Disability Policy Consortium Center for Living & Working, Inc. Disability Policy Consortium Easterseals Massachusetts Judi Fonsh MSW Lachlan Forrow, MD Wynn Gerhard Pamela Goodwin, CHAPA, Stop Bullying Coalition Fred Grosso Chris Hoeh Sandy Hovey</p>	<p>Representative Sally Kerans Candace Kuebel, LCSW, MSW Paul J. Lanzikos James A. Lomastro PhD Former Senator Richard T. Moore Massachusetts Advocates for Nursing Home Reform, Arlene Germain, Executive Director Massachusetts Councils on Aging MetroWest Center for Independent Living Sandy Alissa Novack, MBA, MSW Older Adult Behavioral Health Network Sue Rorke Scott M. Trenti, SeniorCare Inc. CEO Representative Thomas M. Stanley</p>
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