



DignityAlliance

Massachusetts

Respect • Self-determination • Choices

Joint Committee on Elder Affairs 5/15/23 Hearing

H.655 An Act requiring dignity, privacy, and safety for residents of nursing homes and rest homes

Sponsor: Rep. Thomas Walsh

Co-sponsors: Senator James Eldridge and Rep. Rodney M. Elliott

May 15, 2023

Senator Patricia Jehlen
Joint Committee on Elder Affairs, Chair
Delivered by email: Patricia.Jehlen@masenate.gov

Representative Thomas M. Stanley
Joint Committee on Elder Affairs, Chair
Delivered by email: Thomas.Stanley@mahouse.gov

Dear Chair Jehlen and Chair Stanley:

Dignity Alliance Massachusetts (Dignity Alliance) is providing this testimony in strong support of **[H.655 An Act requiring dignity, privacy, and safety for residents of nursing homes and rest homes](#)** in order to improve the quality of care, dignity, and quality of life of Massachusetts nursing home residents. Dignity Alliance is a broad-based group representing a wide range of stakeholders dedicated to transformative change to ensure the dignity of older adults, people with disabilities, and caregivers. We are committed to advancing new ways of providing long-term services, support, living options, and care while respecting choice and self-determination. Dignity Alliance works through education, legislation, regulatory reform, and legal strategies for this mission to become reality throughout the Commonwealth.

The bill codifies the current Department of Public Health policy of not more than two residents per room and promotes the goal of single occupancy, except at the request of the resident for a semi-private room. A penalty is included for non-compliance with submission and implementation of a plan to provide such residential arrangements. The purpose of requiring not more than two residents per room is to minimize spread of infections, maximize personal privacy of the residents, and provide a dignified living arrangement.

Rationale: Most nursing home and rest home residents prefer to have private rooms to protect their privacy and dignity, but **shared rooms with one or more other residents remain the default option**. We recommend single occupancy rooms be the

goal for improved privacy and safety. While limits of two beds per room is a good first step, the ultimate goal should be for single-room occupancy, except in the case of a married couple or when two residents agree in writing to share a room for cost-savings or other reasons. These multi-occupancy rooms increase residents' risk of contracting infectious diseases, including COVID-19.

As a matter of fact, in February, 2022 as part of President Biden's initiatives to "Protect Seniors by Improving Safety and Quality of Care in the Nation's Nursing Homes"¹, CMS launched four new initiatives to ensure that nursing home residents get the quality care they need—and that taxpayers pay for. One of these initiatives has the goals of "dignity and safety in nursing home resident accommodations". As a result, CMS is exploring ways to accelerate phasing out rooms with three or more residents and to promote single-occupancy rooms.

We also recommend that bed placement be "at least 12 feet from any other bed" rather than the current regulation of 3 feet. This is in keeping with many studies on social distancing to provide adequate distance to minimize contagion in accordance with scientific guidelines². Studies have shown that the virus spreads 10-12 feet. A lot depends on the air flow or ventilation in the room, and nursing home ventilation systems are not very good. There's also the issue of length of time in contact, and of course residents share a room 24/7. So 6 ft. is better than the current 3 feet requirement³, but it's not going to be as effective as 12 feet which we strongly recommend.

Thank you for the opportunity to provide testimony regarding such important issues to protect nursing home and rest home residents. We must strive to make improvements to ensure the safety and dignity of all living in long-term care.

Contact: Richard T. Moore, Chair, Dignity Alliance Legislative Committee, rmoore8743@charter.net

Dignity Alliance Massachusetts, a grass-roots coalition of aging and disability service and advocacy organizations and supporters, works to secure fundamental changes in the provision of long-term services, support, and care. A coalition of more than 30 organizations, committed to a new vision of dignity and care for older and disabled people in Massachusetts! Positions are not necessarily the opinions of all members.

¹ FACT SHEET: Protecting Seniors by Improving Safety and Quality of Care in the Nation's Nursing Homes, The White House, 2/28/22, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/28/fact-sheet-protecting-seniors-and-people-with-disabilities-by-improving-safety-and-quality-of-care-in-the-nations-nursing-homes/?emci=76bceb93-e598-ec11-a507-281878b83d8a&emdi=9cdfb10e-e898-ec11-a507-281878b83d8a&ceid=9257283>.

² Healthline, *Staying 6 Feet Apart Often Isn't Enough During COVID-19 Pandemic*, 8/28/20, <https://www.healthline.com/health-news/staying-6-feet-apart-often-isnt-enough-during-covid-19-pandemic>.

³ 105 CMR 150.000: STANDARDS FOR LONG-TERM CARE FACILITIES (Mass. Register #1457 11/26/21) <https://www.mass.gov/doc/105-cmr-150-standards-for-long-term-care-facilities/download>:

150.320: Bedrooms – Nursing Care Units (4) Rooms shall be shaped and sized so each bed can be placed at least three feet from any lateral wall and at least three feet from any window or radiator. Beds shall be spaced at least three feet from any other bed. Facilities must maximize the distance between resident beds and ensure that bed placement is in accordance with Department guidelines, if any. An unobstructed passageway of at least four feet shall be maintained at the foot of each bed.