

MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

April 28, 2020

Prioritizing the Health and Safety of Those Living and Working in Skilled Nursing Facilities

The State of California (State) is home to over 1,200 Skilled Nursing Facilities (SNFs), locations that have been significantly impacted by the coronavirus pandemic given the fragility of their patients and high-exposure potential for their staff. In a report released by the California Department of Public Health on April 18, 2020, 261 SNFs across the State, of which 148 are located in Los Angeles County (County), reported having at least one case of COVID-19. Many SNFs across the nation have experienced widespread outbreaks of COVID-19 cases, given the number of residents in high-risk categories living in close proximity to each other, as well as caregivers serving multiple patients throughout the day.

The risk to patients and the thousands of employees that work in these facilities cannot be underestimated. Moreover, if appropriate policies are not immediately put into place, monitored and enforced, the potential of SNF patients to overload emergency rooms and hospitals could have a devastating impact on the County’s ability to handle the public health crisis.

In order to address the potentially devastating effects of COVID-19 for patients and nursing home workers on the front lines of this crisis, a variety of measures should be considered and implemented in a timely manner.

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I THEREFORE MOVE THE BOARD OF SUPERVISORS:

Direct Los Angeles County's Legislative Advocates in Sacramento to work with Governor Newsom's Office and the California Department of Public Health (CDPH) to facilitate the expeditious consideration of the following State of California's (State) orders, guidelines, and requirements to support the safe and sustained operations of Skilled Nursing Facilities (SNFs) during the COVID-19 crisis and report back to the Board of Supervisors bi-weekly in writing with a status report:

1. The prohibition of retaliation against nursing home workers by a nursing home employer for working at multiple facilities or for refusing work assignments. Additionally, prohibit retaliation against nursing home workers for advocating for required Personal Protective Equipment (PPE) pursuant to the Centers for Disease Control (CDC) and CDPH guidelines, and conditioning their ability to work based on being given appropriate PPE to protect the patient and themselves;
2. The provision by the State, that all nursing home workers are provided with an adequate supply of PPE to prevent the spread of COVID-19 in SNFs;
3. The requirement of all SNFs to provide a weekly written report to CDPH on PPE distribution to ensure that it is being distributed as required and intended;
4. The mandate that all SNFs provide frequent written reports to all employees on their amount of available Paid Time Off;
5. The provision of a minimum ten days of paid sick leave to allow workers to quarantine when sick, or to care for a family member who is sick, which will be in addition to any existing paid sick leave policies that an employer may have in place;
6. The consideration of additional pay for all nursing home workers until the COVID-19 crisis is declared over, including compensation for overtime;
7. The issuance of standard Statewide guidelines that each county must follow that dictate protocols for nursing home employers that have employees on

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staff who have either tested positive for COVID-19, or been exposed to COVID-19, regardless of whether the worker is showing symptoms or is asymptomatic. Guidelines should also direct SNF employers to provide paid sick leave to any worker that has tested positive or been exposed to COVID-19;

8. The provision of resources necessary for all SNFs to implement, or directly provide, trainings to all SNFs on CDC guidelines for COVID-19, including how to recognize potential cases of COVID-19, how it is transmitted, properly preparing for infection control procedures and the proper use of PPE. The trainings should include specific instructions for different job classifications, including direct, and indirect care workers;
9. The provision of resources necessary for all SNFs to implement, or directly provide, trainings to all SNFs, on CDPH standards;
10. The requirement that all SNFs report in writing to CDPH with their plan of action to immediately implement the above COVID-19 trainings, as well as regularly report on the number and type of trainings completed, including the number of workers in each job classification who have completed each training;
11. The provision by the State to ensure adequate staffing of facilities based on the current patient census, including infectious disease expertise, and mandate that all SNFs be required to continue to staff their facilities at a level that prioritizes the safety and needs of patients and workers;
12. The facilitation by the State of expeditious testing for all nursing home workers and residents as quickly as possible;
13. The expedition of review and approval of pending licenses for Certified Nursing Assistants (CNA) and provide physical and/or remote locations for individuals to complete their CNA testing to become certified as soon as possible;

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14. The requirement, in coordination with local health officers, that SNFs re-admit their patients once they are no longer sick, and keep them when they are mildly/moderately ill but do not require hospitalization in order to not overwhelm hospital systems; and
15. The consideration of an enhanced rate for SNFs that care for COVID-19 positive patients.

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(KK/DJ)