

# Minnesota No Resident Left Isolated Act

## What is the Minnesota No Resident Left Isolated Act?

This law vests residents in certain long-term care facilities with the right to access a designated family caregiver during a public health emergency. A designated family caregiver is any person, designated by the resident, who can enter the facility, even when facilities prohibit visitation during a public health emergency, to provide caregiving assistance, support, and companionship to the resident.

The Act applies to nursing homes, assisted living facilities, boarding care homes, and certain HUD and low-income-tax-credit facilities exempt from assisted living licensure.

Each resident may select at least two designated family caregivers. Visits will be guaranteed as long as the caregiver follows the same safety and infection protocols required of facility staff so they do not pose any increased risk to resident safety. A facility may deny entry to caregivers who refuse to follow the same protocols.

## Why is it critical that residents have access to designated family caregivers?

During the COVID-19 pandemic, federal and state visitation rights were suspended in order to contain COVID-19 outbreaks in long-term care facilities. Guidance from the Center for Medicare and Medicaid Services granted facilities enormous discretion in restricting visitation how and when they choose and state essential caregiver guidance remains voluntary. Families and friends who normally assist and support residents were locked out of the facilities for months and were unable to access residents. Residents had no choice but to endure a months-long period of isolation and experienced real physical and emotional harm.

## Why is the Minnesota No Resident Left Isolated Act important for residents of long-term care facilities?

The Act allows designated family caregivers daily access to residents, explains the infection-control protocols designated family caregivers must follow, and explains when they can be excluded.

The Minnesota No Resident Left Isolated Act is critical to resident well-being because it:

- Ensures residents receive critical support and assistance from designated family caregivers who can prevent or stop serious physical and mental decline in residents during a public health emergency;
- Permits designated family caregivers to monitor a resident's safety and well-being; and
- Guarantees residents receive daily visits from designated family caregivers during a public health emergency.

## Examples of Resident Harm and Suffering during Minnesota's Covid-19 Visitation Ban

- 84-year-old nursing home resident lost 40 pounds in less than two months. Resident began sleeping more, experienced an increase in behaviors, and would not eat or get out of bed.
- 79-year old assisted-living resident with memory loss became agitated from months-long restriction of visits from wife of 46 years. Resident did not change out of clothes, developed swollen legs, and problems toileting and bathing from isolation.
- 72-year old assisted-living resident lost ability to walk and lost over 30 pounds. Resident's daughter reported that the COVID-19 lockdown made her mother "a shell of the human she once was."