

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

Beware of Swine Flu “Quarantines.” (November 3, 2009)

Outbreaks of infectious disease often rightfully induce severe anxiety among government officials, health care providers, and the public. The subsequent panic, however, often leads to intemperate decisions. One example of such intemperate decisions is a nursing home's imposition of a ban on visitation to combat the spread of swine flu or the H1N1 Influenza virus.

Last spring, during the public's bracing for a swine flu epidemic, a Bay Area nursing home imposed two “quarantines,” totaling 40 days, whereby all resident visitors were prohibited from seeing their friends and loved ones. As a result, family members who were critical care providers were denied visitation and residents suffered avoidable declines.

A prohibition on visitation to nursing home residents is entirely illegal. Both federal and state laws require nursing homes to permit the unfettered visitation of family members. (42 USC §§ 1395i-3(c)(3), 1396r(c)(3); Health and Safety Code § 1418.3) In the past year, both the National Centers for Disease Control and Prevention and the California Department of Public Health have issued infection control guidelines for long-term care settings that advise nursing homes to discourage ill people from visiting residents but do not permit visitation bans or facility-wide quarantines. The guidelines also suggest that visitors be encouraged to take precautionary measures, such as hand washing and wearing a breathing mask, whenever a nursing home experiences an infectious disease outbreak.

If you or your loved one has been subjected to a visitation ban in a nursing home to prevent the spread of an infectious disease, or for any other reason, please contact CANHR at 415-974-5171 or 800-474-1116.