

AMENDED RESOLUTION NO. 2021-07

of the Board of Lander County Commissioners

SUMMARY: A RESOLUTION RECOMMENDING ELDER & DISABLED RESIDENTS' RIGHTS GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.

WHEREAS, there has been no evidence to definitively substantiate that asymptomatic transmission of the SARS-COV-2 virus is a driver of infective spread or exists based upon medical gold-standards of clinical and laboratory investigation; and

WHEREAS, there is significant published, peer-reviewed evidence based upon medical gold-standards of clinical and laboratory investigation to disprove the theory of asymptomatic transmission of the SARS-COV-2 virus; and

WHEREAS, a study published in Nature Journal on November 20, 2020 demonstrated that in 9,898,828 enrolled participants there was a 0.000000% chance of asymptomatic transmission based upon RT-qPCR testing in addition to confirmatory IgM and IgG antibody testing as well as live cell cultures in attempts to find replication competent virus; and

WHEREAS, prolonged isolation is associated with increased incidence of depression, anxiety, and despair and sequelae; and

WHEREAS, all seniors and disabled persons residing in assisted living environments have explicit state and federal rights, protected by the Nursing Home Reform Act of 1987 and its' defined Residents' Bill of Rights; and

WHEREAS, senior and disabled persons have had their rights substantially infringed upon by existing state public health policies; and

WHEREAS, the Nursing Home Reform Act of 1987 and its' included Residents' Bill of Rights, recognizes and protects a residents' right to: participate in their own assessment, care-planning, treatment, and discharge; refuse medication and treatment; private and unrestricted communication with any person of their choice; be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints; self-determination; visits by relatives, friends, and others of the residents' choosing; raise grievances without fear of consequences; make personal decisions, such as what to wear and how to spend free time; participate in community activities, both inside and outside the nursing home; and be fully informed of the type of care to be provided, and risks and benefits of proposed treatments.

NOW THEREFORE, BE IT RESOLVED, that the Lander County Board of Commissioners recommends as follows:

Lander County recommends that all residents within senior and disabled person assisted living environments be permitted to have visitors at their discretion; and

Lander County recommends that all residents within senior and disabled person assisted living environments be permitted to leave their residence at their discretion; and

BE IT FURTHER RESOLVED, Lander County recommends that all public health policies within this county are reevaluated to align with and meet, at minimum, the standards on residents' rights set forth in and protected by the Nursing Home Reform Act of 1987 and its' included Residents' Bill of Rights.

PASSED AND ADOPTED this 22nd day of April, 2021.

THOSE VOTING AYE: Commissioner: _____
 Commissioner: _____
 Commissioner: _____
 Commissioner: _____
 Commissioner: _____

THOSE VOTING NAY: Commissioner: _____
 Commissioner: _____

THOSE ABSENT: Commissioner: _____
 Commissioner: _____

Kathleen V. Ancho, Chair

Lander County Board of Commissioners

ATTEST:

APPROVED AS TO FORM AND
LEGALITY,

SADIE SULLIVAN, County Clerk and Ex-Officio
Clerk of the Board of Commissioners of
Lander County, Nevada

THEODORE C. HERRERA
Lander County District Attorney