

Congress of the United States
Washington, DC 20515

July 24, 2020

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20510

The Honorable Mitch McConnell
Senate Majority Leader
United States Senate
S-230 U.S. Capitol
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
S-221 U.S. Capitol
Washington, D.C. 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer,

As you continue your critically important work to develop additional COVID-19 legislation to assist the American people and stabilize our economy, we urge you to prioritize support and protections for Americans living and working in nursing homes and other long-term care facilities.

Nearly 60,000 Americans have died from COVID-19 in nursing homes or other long-term care facilities this year representing more than 40 percent of the country's COVID-19 deaths. Six months after the declaration of the COVID-19 public health emergency, long-term care facilities are still reporting Personal Protective Equipment (PPE) shortages, testing lags, and difficulties with infection control. Families and resident representatives are also reporting unauthorized discharges and little to no ability to communicate with residents in these facilities.

The House of Representatives has taken important steps with the *Families First Coronavirus Response Act*, the *CARES Act*, and the *Heroes Act*, but the COVID-19 crisis in nursing homes and other long-term care facilities continues and more must be done to save lives. The dire situation in nursing homes deserves targeted action to improve conditions for staff and residents and demonstrates the need for greater investments in home and community-based services (HCBS).

As leaders in health care, we've come together to recommend a comprehensive plan to save lives and improve conditions in long-term care facilities and we urge you to include the following policies in the next COVID-19 package.

1. Targeted funding for nursing homes and other long-term care facilities.

H.R. 6972, the *Nursing Home COVID-19 Protection and Prevention Act* introduced by Reps. Eshoo, Schakowsky, Shalala, Dean, and Moulton provides \$20 billion to states and Indian Tribes to support COVID-19 testing, PPE, and staffing in nursing homes, CMS-certified State Veterans Homes, psychiatric hospitals, and intermediate care facilities. It also provides important protections for discharges, resident rights, and family notification.

Earlier this week, the Centers for Medicare and Medicaid Services announced that it will provide \$5 billion directly to nursing homes. However, this effort falls far short of what's needed to comprehensively address rising COVID-19 infections in nursing homes and does nothing to help psychiatric hospitals or intermediate care facilities. The funding also dangerously lacks guardrails and oversight to ensure it would go towards prevention and control of COVID-19 infections. In comparison, H.R. 6972 requires states and Indian Tribes to report how the emergency funding is distributed and what the funding is used for, providing needed transparency for taxpayers, long-term care facility residents, and caregivers. Additionally, H.R. 6972 prohibits nursing homes from evicting residents for the inability to pay for care, promotes safe transitions to home and community-based settings and solicits stakeholder input on how best to disseminate funding.

More than 35 national and state organizations representing older adults, people with disabilities, workers and health care providers, among others, support the H.R. 6972, including: AARP; the American Health Care Association (AHCA); the Alzheimer's Association; the American Geriatrics Society, the Disability Rights Education & Defense Fund, and Service Employees International Union (SEIU).

2. Protections for residents and workers.

H.R. 6698, the *Quality Care for Nursing Home Residents and Workers During COVID-19 Act* introduced by Rep. Schakowsky and the leadership of the House Democratic Caucus Task Force on Aging and Families, surges funding to send strike teams to the hardest hit nursing homes; requires nursing homes to employ a full-time infection preventionist; ensures nursing homes train workers about COVID-19 infection and treatment; mandates weekly testing for residents and daily pre-shift testing for staff; provides two weeks of paid sick leave for all nursing home employees; and requires CMS to protect residents' rights and conduct better oversight, including inspections and guidance.

A robust group of advocacy, labor, and consumer stakeholders have endorsed the bill, including: AFSCME; the Alliance for Retired Americans; California Advocates for Nursing Home Reform; Center for Medicare Advocacy; Gray Panthers; Justice in Aging; Long Term Care Community Coalition; the National Committee to Preserve Social Security and Medicare; National Consumer Voice for Quality Long-Term Care; Public Citizen; SEIU; Shriver Center on Poverty Law; Social Security Works; and the Western Center on Law & Poverty. The bill has over 40 cosponsors in the House of Representatives.

3. Data transparency.

Section 30211 of the *Heroes Act*, based on H.R. 6698, requires important data reporting from long-term care facilities about COVID-19 cases and deaths. Unfortunately, COVID-19 crisis in long-term care facilities have now stretched far beyond traditional nursing homes; the data collection requirements in the *Heroes Act* should be expanded to include intermediate care facilities, psychiatric hospitals, and all other CMS-certified long-term care facilities. We also urge you to specifically require facilities to report data prior to May 1, 2020.

4. Virtual visits to mitigate social isolation.

H.R. 6487, the bipartisan *Advancing Connectivity during the Coronavirus to Ensure Support for Seniors (ACCESS) Act* introduced by Reps. Schakowsky and Peter King, establishes a grant program authorizing HHS to issue specific guidance and award nursing facilities grants that enable residents to participate in “virtual visits” with loved ones while the health risk of in-person visits remains high during the pandemic. Section 30202 of the *Heroes Act* provided for televisitation, but as the pandemic stretches past six months, Congress must ensure that long-term care residents can take full advantage of existing technology to “virtually visit” with and see their loved ones. The ramifications of extensive social isolation—including disrupting sleep patterns, slowing the healing of wounds, and increasing the risk of cardiovascular disease—costs Medicare an additional \$6.7 billion in spending per year.

The bill has 82 bipartisan cosponsors in the House of Representatives and has been endorsed by AARP, the Center for Medicare Advocacy, Justice in Aging, the Long Term Care Community Coalition, and the National Consumer Voice for Quality Long-Term Care.

5. Investment in Medicaid Home and Community-Based Services.

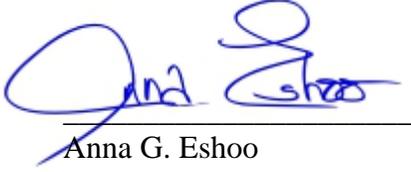
Section 30103 of the *Heroes Act*, based on H.R. 6305, the *Coronavirus Relief for Seniors and People with Disabilities Act* introduced by Rep. Dingell and the leadership of the Task Force on Aging and Families, provides important support for Medicaid Home and Community-Based Services (HCBS) during the COVID-19 emergency period. It is essential that this HCBS funding be included in any negotiated COVID-19 package.

6. Reject blanket immunity for nursing homes and other long-term care facilities related to COVID-19.

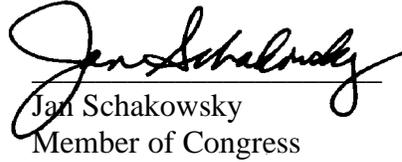
Long-term care facilities must remain responsible for providing the required level of quality care during this public health emergency.

Taken together, these policies form a comprehensive plan with robust funding and necessary policy to address the COVID-19 crisis in nursing homes. Thank you in advance for your consideration of this request and we stand ready to answer any questions you may have.

Most gratefully,



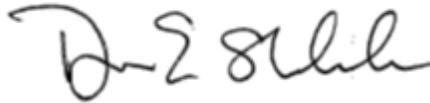
Anna G. Eshoo
Member of Congress



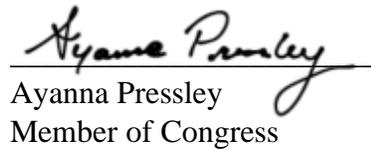
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