

# U.S. Sen. Baldwin: Lawmakers call for greater federal resources to support nursing homes during COVID-19 crisis

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WASHINGTON, D.C. – U.S. Senator Tammy Baldwin today joined more than 100 Senate and House colleagues led by Senators Bob Menendez (D-NJ) and Bob Casey (D-PA), and Congressmen Bill Pascrell, Jr. (NJ-09) and Jimmy Panetta (CA-20) to push the Trump Administration for greater federal resources and guidance to support nursing homes and long-term care (LTC) facilities throughout the country as they combat the COVID-19 outbreak. Over 9,600 nursing homes and LTC facilities across the U.S. have reported COVID-19 cases and more than 40,000 residents and workers in LTC settings have died from the virus.

“While the persistent shortage of testing kits and delayed reporting and disclosure of COVID-19 outbreaks in nursing homes continue to obscure the full magnitude of this crisis, recent tragedies have made it painfully clear that our nursing homes are in dire need of additional federal support and guidance. Nursing home residents are among the most vulnerable during this public health emergency, but they cannot be protected when their facilities lack testing kits, personal protective equipment (PPE), and sufficient staff,” **the federal lawmakers wrote in a letter to U.S. Health and Human Services Secretary Alex Azar and Centers for Medicare and Medicaid Administrator Seema Verma.** “Additionally, many nursing homes do not have the resources to implement federal guidance to slow the spread of COVID-19. To avert further tragedies, we strongly urge you to address the dire needs of nursing home residents and staff as they respond to the COVID-19 pandemic.”

The lawmakers called on the Administration to provide:

- a comprehensive national testing plan that includes providing testing kits for our nation's nursing homes;
- a strategy to ensure all nursing homes and LTC facilities have adequate personal protection equipment for their residents and staff;
- a plan to address staff shortages and guidance on how nursing homes can use separate staff and facilities for residents with COVID-19;
- greater resources for nursing homes so they can complete accurate and timely federal reports and provide updates to families of nursing home residents.

"We remain gravely concerned about the spread of COVID-19 in our nation's nursing homes. Today no one is safe, from the residents trapped alone in their rooms to the underpaid staff members working without PPE. While many American communities are in dire need, our nation's most vulnerable individuals cannot be overlooked in our efforts to defeat COVID-19," **the lawmakers concluded.**

A copy of the letter can be found [here](#) and below.

*Dear Secretary Azar and Administrator Verma,*

*Our nation's nursing homes are at the epicenter of the 2019 novel coronavirus (COVID-19) pandemic. While the persistent shortage of testing kits and delayed reporting and disclosure of COVID-19 outbreaks in nursing homes continue to obscure the full magnitude of this crisis, recent tragedies have made it painfully clear that our nursing homes are in dire need of additional federal support and guidance. Nursing home residents are among the most vulnerable during this public health emergency, but they cannot be protected when their facilities lack testing kits, personal protective equipment (PPE), and sufficient staff. Additionally, many nursing homes do not have the resources to implement federal guidance to slow the spread of COVID-19. To avert further tragedies, we strongly urge you to address the dire needs of nursing home residents and staff as they respond to the COVID-19 pandemic.*

*According to the Centers for Disease Control and Prevention (CDC), more than 1.3 million Americans live in nursing homes.[1] Many nursing home residents are older and have pre-existing conditions, and thus may face higher risk for severe illness from COVID-19.[2] As of the writing of this letter, reports indicate that more than 9,800 nursing homes and other long-term care settings in the U.S. have had at least*

one COVID-19 case and more than 44,000 residents and workers in long-term care settings have died from COVID-19, accounting for more than 40% of all deaths nationwide.**[3]**

The Centers for Medicare and Medicaid Services (CMS) has issued some guidance for nursing homes to respond to the COVID-19 pandemic. As examples, on March 13, CMS instructed nursing homes to restrict visitors and shared recommendations for infection control.**[4]** On April 2, CMS issued updated guidance, recommending the screening of every individual entering a facility, and the use of PPE among staff members. The updated guidance also encouraged nursing homes to use separate staff and develop or acquire separate facilities or units for residents who have tested positive for COVID-19.**[5]** On April 19, CMS announced that nursing homes must inform residents and their families of COVID-19 cases in their facilities and must report COVID-19 cases directly to the CDC.**[6]** Nevertheless, taken together, these piecemeal policies do not amount to the coordinated, national action plan that is necessary to save lives and combat the continued spread of COVID-19 in nursing homes.

Without access to testing kits, many nursing homes will be unable to effectively implement the CMS guidance mentioned above and COVID-19 will continue to run rampant, with tragic consequences for residents, workers, and their families. It is impossible for nursing homes to separate COVID-19 positive residents and staff if they cannot confirm who has the virus. On April 24, President Trump signed into law the Paycheck Protection Program and Health Care Enhancement Act, which included \$25 billion for the development and initial implementation of a national COVID-19 testing plan. On April 27, the Administration published its initial blueprint for a national testing plan, which did not mention nursing homes.**[7]** On May 25, under Congressional deadline, the Administration issued another national report on testing, which again lacked actionable strategies on testing in nursing homes and provided minimal guidance to both states and facilities.**[8]** During the cross-agency process to further develop a comprehensive, national COVID-19 testing plan, we urge the Department of Health and Human Services (HHS) and CMS to account for the dire need for testing kits in our nation's nursing homes.

We are deeply concerned that many nursing homes do not have the resources required to follow the important CMS recommendation to use separate staff and separate facilities or units for residents with COVID-19, known as cohorting. Many of our nursing homes are already struggling with staffing shortages, as their employees have fallen ill or must care for children or sick relatives at home. We

*urge HHS to mobilize the U.S. Public Health Service to help address existing staffing challenges and ensure that all of our nursing homes can use separate staff for residents with COVID-19. We urge CMS to create additional guidelines and supports for nursing homes to hire supplementary staff and develop separate facilities.*

*Many nursing homes continue to face dire PPE shortages and are struggling to acquire these supplies in a crowded and chaotic market. The Administration recently announced that over the next two months, FEMA will ship a two-week supply of PPE to more than 15,000 nursing homes nationwide.**[9]** These supplies will be insufficient to meet the overwhelming need. It is distressing that CMS is still encouraging nursing home residents to use tissues to cover their noses and mouths when staff are in their room, when there should be sufficient non-medical facemasks available for this purpose.**[10]** This situation highlights the need for a comprehensive federal plan to ensure that all types of frontline facilities, including nursing homes, have adequate PPE.*

*We are pleased that CMS heeded calls from Congress and the public to strengthen nursing home COVID-19 reporting requirements. For months, residents and their families may have had no information regarding the presence of COVID-19 in their nursing home, and therefore could not make informed decisions as the virus spread. It concerns us that CMS and CDC are not taking steps to ensure the collection of data on COVID-19 cases and deaths prior to May 1, 2020, nor is it collecting detailed demographic information, including on race, ethnicity, age, gender, or disability status. All nursing home residents, workers, and families affected by the COVID-19 pandemic deserve to be counted. We urge CMS to ensure that understaffed nursing homes have sufficient resources to complete accurate and timely reporting and to provide information and updates to families.*

*To better understand how HHS and CMS are protecting nursing home residents, staff, and their families, we request answers to the following questions no later than June 26, 2020:*

- 1. What efforts are HHS and CMS undertaking to sufficiently increase COVID-19 testing in nursing homes and to ensure states and nursing homes have adequate funding to meet the guidelines set forth by the administration?*
- 2. How will HHS and CMS ensure that states and nursing homes have sufficient resources to outfit existing facilities or acquire new space to care for and cohort residents with and without COVID-19?*
- 3. Will HHS engage the U.S. Public Health Service to support staffing needs in*

- nursing homes? If so, how will HHS determine where they are sent?*
- 4. Will HHS and CMS publicly report data on race and ethnicity, age, gender and disability status alongside any reported CDC data?*
  - 5. Do HHS and CMS plan to study the relationship between race and health outcomes in nursing homes that have COVID-19 outbreaks and publicly report the findings of such a study?*
  - 6. The Administration recently announced that nursing home facilities will receive two one-week shipments of PPE from the federal government. When will these shipments be completed? Will more PPE be sent after these initial allotments?*
  - 7. Do HHS and CMS currently have sufficient resources and Congressional authority to ensure that nursing homes have sufficient PPE, can implement testing as recommended by CMS and CDC, can safely separate staff and facilities for residents with and without COVID-19, and can meet regulatory reporting requirements?*
  - 8. On May 22, HHS announced \$4.9 billion in funding for skilled nursing facilities certified by Medicare from the \$175 billion provider relief fund created through the CARES Act and the Paycheck Protection Program and Health Care Enhancement Act. Does HHS plan to make additional payments to nursing homes and other providers that rely heavily on Medicaid, and how will those allocations be determined?**[11]***

*We remain gravely concerned about the spread of COVID-19 in our nation's nursing homes. Today no one is safe, from the residents trapped alone in their rooms to the underpaid staff members working without PPE. While many American communities are in dire need, our nation's most vulnerable individuals cannot be overlooked in our efforts to defeat COVID-19. Thank you for your prompt attention to this urgent matter.*

*Sincerely,*

An online version of this release is available [here](#).