



June 8, 2020

The Honorable Alex Azar
The U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

The Honorable Peter T. Gaynor
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

Re: Request for \$5 Billion to Help Assisted Living Communities in Response to COVID-19

Dear Secretary Azar and Administrator Gaynor:

On behalf of the long term care industry, we would like to express our appreciation for the recent actions taken by the Department of Health and Human Services (HHS) to assist nursing homes in response to COVID-19. With the industry facing this unprecedented public health crisis, the recent funding provided by HHS will help our nursing home providers obtain needed personal protective equipment (PPE), testing and staffing to combat this deadly virus.

With initial funding provided for nursing homes, we would like to direct your immediate attention to assisted living communities and urgently request your help and financial support to protect our residents from COVID-19 outbreaks.

As you may know, there are more than 42,000 assisted living communities in the U.S., serving more than one million people. Assisted living provides a combination of housing, personal care services, social enrichment, and health care, primarily to older adults who need some assistance while promoting maximum independence. Although assisted living communities are not medical facilities, there is a health care component (e.g., assistance with daily activities, medication administration, coordinating with health care providers, etc.), contributing to a holistic approach to care.

To date, assisted living communities have not received any direct federal funding, PPE or prioritization for testing (outside of some minimal state support). While much warranted attention has been focused on nursing homes, there has been an alarming number of confirmed COVID-19 cases in assisted living communities reported. Sadly, many assisted living residents have suffered the same fate as older adults in nursing homes who have contracted the virus. Like nursing homes, our residents are among those most vulnerable to COVID-19, as more than half are above the age of 85, and many are living with underlying health conditions.

Those who work in assisted living communities, like skilled nursing, hospitals and other health care and congregate settings, are on the frontlines working hard each day to prevent the virus from entering these facilities as well as containing it once a positive case has been identified.

Assisted living operators are dedicating significant resources right now related to COVID-19 measures, including those imposed by the States that regulate them. These enhanced expenses are due to:

- Hiring additional staff to address workforce shortages due to sick employees/employees who must remain in isolation out of caution;
- Providing overtime and other incentive pay because of additional hours and demands;
- Restricting communal dining, requiring additional dietary staff to administer meals in residents' rooms;
- Securing critically needed and premium-priced PPE supplies;
- Testing and diagnosing COVID-19 cases;
- Quarantining COVID-19 positive or suspected positive residents;
- Offering enhanced, one-on-one activities and telehealth capabilities during visitor and group activities restrictions;
- Enhanced and more frequent cleaning and disinfecting of the entire facility to help ensure the virus is contained or eliminated;
- Accepting COVID-19 positive residents discharged from hospitals per state requests.

Given the gravity of the situation we are facing with this deadly virus and its impact on our vulnerable community, which cannot be overstated, long term care facilities, including assisted living communities, require essential funding and support from federal and state governments to reduce and prevent the spread of COVID-19.

Below outlines three critical areas where assisted living communities need additional and immediate support in order to protect our residents and caregivers:

1. FUNDING: Request HHS to Provide \$5 billion in Emergency Relief Funding to Pay for Staffing, Testing and PPE Equipment

To help fund expanded testing, supplies and additional staffing needed to respond to COVID-19, we urgently request HHS to provide an emergency response fund distribution of \$5 billion for assisted living communities, like the agency did for hospitals and nursing homes, from the Provider Relief Fund created through the CARES Act.

As mentioned earlier, assisted living communities have not received any direct federal funding or support in response to COVID-19. Thousands of these facilities have encountered COVID-19 cases not because of poor care or infection control, but because of the nature of this virus, which often spreads through asymptomatic carriers and especially in densely populated communities. Given the high vulnerability of our residents to COVID-19, we believe it would be prudent for the federal government to provide financial support in helping providers obtain the PPE, testing and staffing needed to adequately respond to this crisis.

Disbursements from the COVID-19 Provider Relief Fund should be dedicated to all assisted living communities across the country: to those facilities that have confirmed COVID-19 cases in an effort to help contain the outbreak, as well as funds to prevent an outbreak in non-impacted facilities. In facilities that do not have confirmed COVID-19 cases, additional staffing and supplies can help ensure that residents and staff are able to keep the virus out of their buildings. Such funds will be critical to also help prepare providers for any subsequent outbreaks of COVID-19 in long term care facilities.

2. PPE EQUIPMENT: Request FEMA to Expediate Shipments of Quality PPE Equipment and Work with State Governments to Identify Additional Supplies

The lack of available PPE has also put long term care providers at a serious disadvantage in protecting residents and staff, especially given the vulnerable population in assisted living communities. Since the beginning of the pandemic, these providers have faced similar challenges as other health care and congregate settings in acquiring this equipment, due to its high demand and world supply chain issues.

As many states reinstitute public gatherings as well as plan guidance on “opening up” long term care facilities to visitation, this is a critical time period to ensure our assisted living communities are equipped to keep COVID-19 out of their buildings.

Unfortunately, approximately 75 percent of assisted living providers have been unable to find sufficient PPE, like masks, gowns and face shields for caregivers. Two-thirds are using homemade or improvised PPE or are using other non-medical equipment in accordance with applicable CDC guidance.

Last month, FEMA announced it would be sending two shipments of seven-day supplies of PPE directly to every nursing home to help combat shortages. We would like to restate our previous request that FEMA do the same for assisted living communities with equipment that meets the standards of the Occupational Safety and Health Administration to protect our caregivers on the frontlines, so they can help prevent outbreaks and protect residents.

3. TESTING: Request HHS to Provide Guidance to State Governments to Expand Priority Testing and Funding to Assisted Living Communities

In order for our industry to truly get ahead of the COVID-19 outbreak, expanding testing remains a top priority. As we all have unfortunately learned, it is common for people infected with COVID-19 to be asymptomatic. Without expanded testing, it is virtually impossible for us to know who in our assisted living communities, whether they are residents or staff, are COVID-19 positive – making it extremely difficult to stop the spread of the virus.

Assisted living providers must have the necessary resources to regularly test residents, caregivers and potential visitors with expedited test results.

Only a few states have expanded testing resources to assisted living communities and to varying degrees. To date, your Administration has made great efforts to help seniors make sure their COVID-19 tests are covered by Medicare. However, not all labs bill Medicare directly, and questions remain whether Medicaid and employee health insurance plans will help cover the costs of surveillance testing efforts. We appreciate your leadership in working to find solutions with the various stakeholders to ensure that long term care providers do not solely bear the burden of regularly testing residents and staff.

Therefore, we request that HHS provide updated guidance to state governments to make testing of residents and staff of assisted living communities a top priority and direct funding that HHS has provided for state health agencies, for expanding access for these facilities. We appreciate the \$11 billion your Administration has made available to states through the CARES Act grant funding to expand testing. We request that you direct states to prioritize this funding for testing staff and residents in all long term care settings and consider additional aid to states in the forthcoming

months. Recently, we estimated that testing all 4.4 million residents and staff in nursing homes and assisted living communities just once would cost approximately \$672 million. Yet, as your Administration has stated, ongoing, surveillance testing in long term care will be critical. Without adequate support from states or other sources, long term care providers, especially assisted living communities, will have to shoulder nearly all these one-time and ongoing testing costs.

Moreover, we request that HHS and the Centers for Disease Control and Prevention (CDC) provide stronger guidance to states on testing strategies within all long term care settings, including nursing homes and assisted living communities. There is inconsistency among the states on the implementation of a baseline test of all residents and staff, as well as questions surrounding surveillance testing. We would appreciate if the federal government could provide states clear direction based on the best evidence currently available regarding the behavior of this virus.

The staff and residents in assisted living communities around the country desperately need your immediate and ongoing support. Ensuring that this funding is delivered to assisted living providers promptly is critical to our primary role in flattening the curve of this virus and protecting our nation's seniors and most vulnerable.

The price of inaction would be devastating – to our residents, to their loved ones, and to those who work in assisted living communities who see their residents as family members. These caregivers on the frontlines have shown unparalleled commitment to those they serve in the face of adversity, and at great personal risk to their own health and their families.

What we need now is to rally around assisted living communities like the country is now doing for nursing homes – and in the same way the public health sector has around hospitals. With a vulnerable population much like nursing homes, assisted living communities will not be able to overcome this unprecedented health crisis and protect our residents and caregivers without adequate funding and resources.

We sincerely appreciate the recent steps taken by your agencies to make nursing homes a top priority. Now we need the same level of support for assisted living communities. The long term care industry will continue to work with local, state and federal health officials to ensure all possible actions are taken to keep residents and caregivers safe.

Sincerely,



Mark Parkinson
AHCA/NCAL President & CEO



Scott Tittle
NCAL Executive Director