

Congress of the United States
Washington, DC 20515

April 15, 2020

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, Southwest
Washington, D.C. 20201

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

We write to you to ask you to immediately collect and publicly report facility-level data on the number of long-term care residents affected by the 2019 coronavirus disease (COVID-19), including cases and fatalities. The Centers for Medicare & Medicaid Services (CMS) is statutorily obligated to ensure that agency standards and enforcement are adequate to protect the health, welfare, safety, and rights of nursing home residents. However, CMS and the Centers for Disease Control and Prevention (CDC) are failing to collect and publicly report current data on the number of residents and long-term care facilities that have been affected by COVID-19. Without understanding the scope and impact of the pandemic within long-term care facilities, the Administration and the Congress lack essential information to adequately respond and protect older Americans and individuals with disabilities who rely on these facilities to survive and are particularly at risk for COVID-19.

The COVID-19 global health crisis has already taken a severe toll on long-term care settings. Media reports over the past week suggest that over 3,000 nursing home residents have died from COVID-19 and that at least 2,300 long-term care facilities across 37 states have COVID-19 cases.¹ The actual numbers are likely far more dire. However, these data have been compiled by journalists who contacted states and received data that are not standardized or comprehensive; the only federal data currently available are reported in a March 30 press statement from CDC estimating cases in at least 400 facilities.² We fear that there may be hundreds if not thousands more COVID-19 cases that have gone unreported.

Before COVID-19, infections already caused as many as 3 million illnesses and almost 400,000 deaths in nursing homes and other long-term care facilities each year, making them a leading cause of morbidity and mortality among the 2.3 million long-term care facility residents in the United States.³ Approximately 75 percent of nursing homes have been cited for infection control

¹ <https://www.nbcnews.com/news/us-news/more-2-200-coronavirus-deaths-nursing-homes-federal-government-isn-n1181026>; <https://www.usatoday.com/story/news/2020/04/13/coronavirus-nursing-homes-2-300-facilities-report-positive-cases/2978662001/>

² <https://www.nbcnews.com/health/health-care/number-long-term-care-facilities-covid-19-cases-tops-400-n1172516>

³ <https://www.cdc.gov/longtermcare/index.html>; [National Action Plan to Prevent Health Care-Associated Infections: Road Map to Elimination, April 2013](#); [CDC Report: Long-term Care Providers and Services Users in the United States, February 2019](#).

deficiencies over the past three years alone.⁴ Further, Dr. Nancy Messonnier, Director of CDC's National Center for Immunization and Respiratory Diseases, has said that "people who are higher risk for severe disease and death are those who are older and with underlying health conditions."⁵ Publicizing this vulnerability is necessary, but not sufficient. It must be complemented by data collection around how COVID-19 is spreading in congregate communities where these individuals are heavily concentrated and where history suggests they are at particular risk.

Last week, Administrator Verma promised to publish the racial and demographic information of coronavirus cases.⁶ That publication is of critical importance and long overdue—we urge CMS to include facility-level data on long-term care settings upon doing so. HHS, CMS, CDC, the Food and Drug Administration, and all other relevant agencies must work together to closely monitor and address the disproportionate impact of COVID-19 in our nation's nursing homes and other congregate living facilities. Protecting the most vulnerable among us must be an essential priority. If HHS fails to collect these data, we fear that the fatalities of congregate living facilities will linger in hindsight as a national and avoidable tragedy.

We urge HHS and CMS to immediately work with states, localities, and private labs to mandate collection of vital information on the number of COVID-19 cases and fatalities in nursing homes and other congregate living facilities across the United States. Our national attempts to slow, contain, and mitigate the spread of the coronavirus must not ignore older Americans, individuals with disabilities, veterans, and all those living in nursing homes and congregate living settings. We must not leave any person behind.

We look forward to receiving your response to this urgent request. If you have any questions, please contact Osaremen Okolo of Congresswoman Schakowsky's staff at (202) 225-2111.

Sincerely,



JAN SCHAKOWSKY
Member of Congress

CC: The Honorable Dr. Robert Redfield
Director, Centers for Disease Control and Prevention

The Honorable Dr. Stephen Hahn
Commissioner, Food and Drug Administration

⁴ <https://www.medicare.gov/nursinghomecompare/search.html?>

<https://www.usatoday.com/story/news/investigations/2020/03/06/coronavirus-spread-nursing-home-infections-can-go-beyond-their-walls/4964397002/>

⁵ <https://www.cdc.gov/media/releases/2020/t0203-coronavirus-update.html>

⁶ <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-april-7-2020/>

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Member of Congress

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MARCY KAPTUR
Member of Congress

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JOYCE BEATTY
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CINDY AXNE
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