

CONOR LAMB

17TH DISTRICT, PENNSYLVANIA

HOUSE COMMITTEE ON VETERANS' AFFAIRS
VICE CHAIR
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON TECHNOLOGY MODERNIZATION

HOUSE COMMITTEE ON SCIENCE, SPACE
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SUBCOMMITTEE ON ENERGY
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HOUSE COMMITTEE ON TRANSPORTATION
& INFRASTRUCTURE
SUBCOMMITTEE ON RAILROADS, PIPELINES,
AND HAZARDOUS MATERIALS
SUBCOMMITTEE ON COAST GUARD
AND MARITIME TRANSPORTATION



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May 7, 2020

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

Dear Administrator Verma:

On May 3, I was notified that a long-term care facility in my district, Brighton Rehabilitation and Wellness Center (“Brighton”), was cited for immediate jeopardy on May 2. As you know, immediate jeopardy is the most serious level of citation and is typically reserved for violations that could kill residents or seriously injure them if not addressed.

While all immediate jeopardy violations are dangerous and unacceptable, this one occurred after at least 60 Brighton residents had already died from COVID-19, and there were more than 300 positive cases at this one facility. Brighton has the highest number of deaths of any nursing home in the state, and this situation was so severe by the date of this violation that the Pennsylvania Department of Health had already arranged for the appointment of a temporary manager. Whether that manager was on duty on May 2, and how strict the Pennsylvania Department of Health’s oversight was before its surveyors detected the immediate jeopardy, remain unanswered questions.

The dangers posed by COVID-19 are bad enough. It is simply unacceptable that the threat to the residents of Brighton was made worse by lax oversight, especially after more than 60 members of this community had died. If those deaths did not convince either the temporary manager or the Brighton management to adopt a zero-tolerance policy toward severe mistakes, then something needs to change at Brighton, and it needs to change right away.

I am writing to request that CMS immediately investigate the competence and performance of the temporary manager and Brighton’s management, both before and after the May 2 immediate jeopardy violation. If it appears that the immediate jeopardy was due to lax oversight by either the temporary manager or Brighton itself, CMS should consider whether to replace the temporary manager or place them under far stricter oversight than the Pennsylvania Department of Health has performed so far.

I also request that CMS investigate why the Pennsylvania Department of Health has since determined that they were 'lifting' the immediate jeopardy. In normal times this information would become public according to a standard schedule, but that schedule is far too slow given the urgency of the situation at Brighton. These families deserve to know now what the violation was and why the same management is still in place.

Regardless of who is to blame, CMS should also determine whether the residents of Brighton are being well protected, and whether additional personnel from federal agencies or the National Guard, or access to more personal protective equipment and testing supplies would help Brighton better contain the outbreak of COVID-19.

More than 60 of my constituents have died at Brighton, and there is not a moment to lose. Please respond to this letter as quickly as possible, and do not hesitate to contact my staff member, Rachel Hugman, at (202) 225-2301.

Sincerely,

A handwritten signature in blue ink that reads "Conor Lamb". The signature is written in a cursive, slightly slanted style.

Conor Lamb
Member of Congress

cc: The Honorable Alex Azar, Secretary, U.S. Department of Health and Human Services
The Honorable Tom Wolf, Governor, Commonwealth of Pennsylvania
Dr. Rachel Levine, Secretary, Pennsylvania Department of Health
The Honorable Dan Camp, Chair, Beaver County Commissioner
The Honorable Jack Manning, Beaver County Commissioner
The Honorable Tony Amadio, Beaver County Commissioner

