

Congress of the United States
House of Representatives
Washington, DC 20515

May 28, 2020

Dr. Rachel Levine
Secretary, Pennsylvania Department of Health (PA DOH)
Health and Welfare Building
8th Floor West
625 Forster Street
Harrisburg, PA 17120

Dear Secretary Levine,

We write to you to express concern for Pennsylvania's seniors living in long-term care facilities throughout the Commonwealth. As of the most recent reporting, there are over 14,000 cases of COVID-19 among residents at Pennsylvania's 570 long-term care facilities and the infection rate reaches as high as 100 percent of the populations of those facilities, in some instances.

These seniors' health and safety has recently come into question in the wake of reports that the number of COVID-19 cases and the resulting death toll at long-term care facilities has skyrocketed to roughly three times that of cases elsewhere in Pennsylvania. Cases at long term care facilities now account for at least 63 percent of statewide deaths, according to the state's National Electronic Disease Surveillance System. This is due in part to the March 18, 2020 Interim Guidance for Nursing Facilities during COVID-19 issued by the Pennsylvania Department of Health (PA DOH), which states:

Nursing care facilities must continue to accept new admissions and receive readmissions for current residents who have been discharged from the hospital who are stable to alleviate the increasing burden in the acute care setting. This may include stable patients who have had the COVID-19 virus.

The May 12, 2020 update to this Interim Guidance retained the requirements to receive new admissions and readmissions from hospitals regardless of whether the individual is confirmed or suspected to be COVID-19 positive. This is particularly troubling as the concerns rationalizing the March 18, 2020 admission/readmission requirement, "to alleviate the increasing burden in the acute care setting," had largely subsided by May 12, 2020 when it was dropped from the updated guidance.

At a press conference on May 21, 2020, your response to questions about this guidance sought to shift blame, claiming the guidance requiring these admissions and readmissions has come from the federal government, specifically the Center for Disease Control and Prevention (CDC) and the Centers for Medicare and Medicaid Services (CMS). We are unaware of any existing federal guidance requiring the admission or readmission of COVID-19-positive individuals to nursing facilities. We are naturally confused about where the state is getting its information, why the

rationale for these policies continued to change over time, and why this problem seems to be unique to Pennsylvania.

On top of these concerns, the PA DOH has released inaccurate data about these facilities. Despite your recent statement that these inaccuracies are being rectified, we are alarmed that, in some cases, the data in question included overreporting and outright misinformation about which facilities are experiencing health and safety concerns due to COVID-19.

For these reasons, we respectfully request that the PA DOH work with the Governor's Office to do everything in your power to protect our seniors living in these facilities from further harm. Specifically, we urge Pennsylvania to change the requirement that long-term care facilities admit/readmit COVID-19 patients and provide flexibility for facilities to make their own determination about whether to admit/readmit COVID-19 patients on a case-by-case basis, reflecting the unique resources and capabilities at each facility. We also request updated and accurate information about COVID-19 cases at long-term care facilities that includes a facility-by-facility count of total infections and deaths across the Commonwealth.

We must leave no stone unturned as we work to remedy this troubling situation. We remain committed to assisting you in protecting our most vulnerable Pennsylvanians.

Sincerely,



Fred Keller
Member of Congress



Scott Perry
Member of Congress