

**Congress of the United States**  
**Washington, DC 20515**

May 12, 2020

The Honorable Tom Wolf  
Governor  
508 Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Wolf,

I am gravely concerned and outraged by the Pennsylvania Department of Health's reckless and dangerous guidance requiring long-term care facilities to accept admissions and readmissions of residents who have been infected by COVID-19. The deadly nature of this guidance is compounded by the Department's apparent apathy toward the worsening crisis at these facilities – a crisis it saw coming and failed to address – and its overt hostility to transparency. As you continue to hold the Commonwealth's economy hostage while seeking a federal bailout, I'm interested to know what you're doing to address the crisis you created at Pennsylvania's nursing homes and longer term care facilities, and why you refuse to provide basic information about the ongoing situation.

Yesterday, you condemned Pennsylvanians who wish to exercise their Constitutional rights by questioning and defying your unitary approach to shut down the Commonwealth, and accused them of "choosing to desert in the face of the enemy." Further, you labeled the actions of those seeking to provide for their families and put food on the table as "cowardly, morally wrong, selfish, and unsafe." Your aggressive and theatric rhetoric is clearly an attempt to obfuscate the growing number of infections and deaths in nursing homes that are the result of your policy decisions. Failed attempts to shift blame and scare people back into their homes will not prevent the truth from coming to light. The fact is that the Pennsylvania Department of Health's March 18, 2020, Interim Guidance for Nursing Facilities During COVID-19, 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 dangers posed by this policy should be obvious to anyone who understands the infectious nature of the virus and what groups of people are most at risk. In fact, the shortcomings of this policy – as well as similar policies in New York and New Jersey - were widely published by medical professional organizations as they rushed to condemn the guidance. For example, The Society for Post-Acute and Long-Term Care Medicine stated that, "admitting patients with suspected or documented COVID-19 infection represents a clear and present danger to all of the residents of a nursing home." More to the point, the American Health Care Association stated that the directive put "frail and older adults who reside in nursing homes at risk" and it will "result in more people going to the hospital and more deaths." The obvious results of this deadly policy were clearly identified and your Administration pursued it nonetheless – remaining in place to this day.

As expected, the results of this policy have been incomprehensible (and totally avoidable): suffering and death. Since April 16, when the Commonwealth began releasing data specific to nursing homes, infections within facilities increased over three times the rate as those elsewhere – the number of cases rising more than 238%. The result has been the tragic loss of 2,557 Pennsylvanians – 69% of all COVID-19 deaths in the Commonwealth. Unfortunately, this situation appears to be getting worse as in-facility deaths have accounted for 74% of deaths since May 1. This trend closes follows the devastation faced by other states that have implemented similar policies. The main difference is that they have reversed course to better protect the elderly. It is of the utmost importance that this reckless and deadly policy be repealed before further harm is done.

The dire situation facing Seniors in nursing homes across the Commonwealth was largely foreseen by PA Health Department officials. According to a report by Spotlight PA in mid-March, officials were proactively developing plans for rapid response teams to quickly respond to positive cases at these facilities in order to develop a plan to limit its spread, provide training for the staff, provide equipment, as well as other assistance. The plan was shared with providers in late March, but implementation was delayed until mid-April, and the final result was much more limited in scope than originally imagined. Given the initial focus on these facilities, the Department's lackluster response raises significant questions and concerns about the breathtaking failure of your ability to protect the most vulnerable. These concerns are amplified by your attempts to avoid transparency as it relates to all facets of the response to COVID-19 outbreaks in nursing homes. Pennsylvania is one of the only states in the region that refuses to provide a facility-by-facility list for infection and death numbers. You also refused to respond to questions about the Department of Health's facility inspections and potential violations related to COVID-19. Restricting this important information serves only to limit the public's access to the information necessary to make an informed decision.

Stopping the rampant spread of COVID-19 in nursing homes throughout the Commonwealth is critical but unrelated to the opening of the broader economy for low-risk individuals. Prioritizing critical Department of Health resources for nursing homes, rather than militarizing the government against desperate Pennsylvanians seeking to put food on the table, will save significantly more lives. Further, your decision to hold the Commonwealth's economy hostage is the reason the Commonwealth's funding streams have dried up. Subsidizing and incentivizing this type of totalitarian, unconstitutional order is not the purview of the federal government. Instead of continuing demands for a bailout, I urge you to free the Pennsylvania economy and allow our constituents to earn a living while you address conditions at nursing homes. It is urgent that the March 18 Guidance be revoked, and efforts to protect older Pennsylvanians be prioritized.

I look forward to working with you to ensure that all Pennsylvanians enjoy a safe and prosperous future.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Perry', written in a cursive style.

SCOTT PERRY  
Member of Congress  
10<sup>th</sup> District, Pennsylvania