



July 15, 2020

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

Dear Mr. Secretary:

On behalf of our nearly 400 members who serve over 30,000 patients and residents, the Massachusetts Senior Care Association (MSCA) respectfully urges Health and Human Services (HHS) to please extend the public health emergency (PHE) beyond its current July 26, 2020 expiration date until three criteria are achieved by our nation's pandemic response.

On January 31, you declared a PHE in response to the COVID-19 pandemic. That declaration has proven critical in equipping long term care providers with the tools and resources necessary to manage the COVID-19 surge and ensure high-quality care in this unprecedented environment. Further, your PHE declaration in combination with President Trump's national emergency declarations have made available flexibilities and resources that allowed – and continue to allow – our members providers to use the vital tools necessary to combat the pandemic and protect residents and staff.

In Massachusetts, we have experienced

1. Significant increases in costs due to the provision of 'hero pay' and premium pay to our dedicated and deserving staff;
2. Significant increases in PPE costs, estimated at \$20 per day increase during the COVID pandemic; and
3. Significant reductions in revenue due to census declines, totaling close to \$90 million a month.

As you are aware, the current PHE and related Section 1135 waiver and Section 1812(f) waivers will expire on July 26, 2020. While infection rates and deaths appear to be declining in March and April hotspots, this insidious virus is still with us.

Nationally, independent researchers have found that COVID-19 outbreaks in nursing homes are correlated with the spread in the surrounding community among the general population. Also, all experts agree that additional waves of infection are likely this fall and winter or until a vaccine becomes available. We must continue to wage battle against COVID-19 and we therefore urge you to continue to extend the PHE declaration until the following criteria are met:

1. The supply chain is able to continuously meet the increased demand for personal protective equipment (PPE). An efficient and targeted PPE supply chain is needed to keep health care workers safe while treating and interacting with residents with and without COVID-19, and to be able to meet the demand for laboratory testing supplies and treatment medications necessary to safely and effectively treat COVID-19. A recent MSCA survey of membership indicates significant concern about their ability to secure PPE on a timely basis.
2. A vaccine becomes available, since long term care providers will need to remain hypervigilant given the extreme vulnerability of our resident population and ongoing and additional waves of infection that are predicted. Facilities need the waivers to help prevent the entry and spread of the virus in the facility. This virus disproportionately impacts the elderly over the age of 70, particularly those over 80 with chronic

disease, which comprises the majority of the population we provide care. This is why over half of all deaths in Massachusetts have occurred in the elderly of which many are from nursing homes or assisted living communities.

3. Nursing homes rebuild their staffing levels of employees to pre-COVID levels, based on the payroll-based journal data that is collected and publicly reported on Nursing Home Compare. In Massachusetts, staffing was a challenge pre-COVID. Now, it is exacerbated in the COVID period. The quarantine practices required for workers, the increased care needs for screening residents and enforcing social distancing in facilities and staffs' leaving because of concerns about their and their family's health and the continued lack of PPE to practice at conventional levels per CDC have made staffing at all positions a significant challenge. These ongoing and urgent challenges require emergency waivers to provide care to the residents/patients.

The COVID-19 pandemic has presented challenges to the entire health care continuum and specifically to the long-term care system. As shown in the attachment, the presence of COVID-19 in a community has profound impacts on long-term care providers and the people they support. Providers and the government have struggled mightily to acquire the resources required to manage the COVID-19 surge and care for patients. However, with your help, our members have used every tool at their disposal to respond to this unprecedented challenge and we call on your continued support.

Without your action and the impact of the PHE declaration and related Section 1135 waiver and Section 1812(f) waivers, these challenges would have been exponentially more difficult to overcome. We anticipate the challenges associated with COVID-19 that our members and communities face every day will continue throughout several months, and potentially another entire year if we continue to experience increased COVID-19 cases. We respectfully note that now is not the time to allow the PHE and related waivers to lapse.

While not all areas of the country are seeing the same volume of COVID-19 patients, the reality is that every SNF and AL is operating in a COVID-19 environment and/or putting in place provisions to prevent the entry of COVID into their care settings. The providers in Massachusetts need your help to maintain this level of effort and we desperately need continued assistance from the federal government.

Thanks to the support of government, measurable progress in combatting this pandemic continues to be made and now is not the time to pull back. Rather, we should reinforce the strong response from America's post-acute and long-term care providers as we work through the coming months. We are hopeful that one of the vaccine candidates currently in development will successfully complete all necessary trial phases; however, until we reach that moment and are able to successfully implement an effective vaccine, our members, with your continued assistance and waiver flexibility, will remain vigilant and prepared to manage any future COVID-19 surges.

MSCA appreciates the support and assistance that HHS is providing to our members so that they are best positioned to care for their residents, patients and communities. We ask that you continue to make nursing homes the highest priority in the fight against the COVID-19 spread. We look forward to continuing to work with you to serve that goal.

Sincerely,



Tara M. Gregorio
President
Massachusetts Senior Care Association

