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March 17, 2020

Mr. David R. Wright  
Director  
Quality, Safety & Oversight Group  
Center for Clinical Standards and Quality  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Mailstop: C2-21-16  
Baltimore, MD 21244-1850

Dear Mr. Wright:

AARP, on behalf of our 38 million members and all older Americans nationwide, is writing regarding the Centers for Medicare & Medicaid Services' (CMS) Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in Nursing Homes (Revised) dated March 13, 2020. We deeply understand your focus on protecting the health and safety of our nation's nursing home residents, which is paramount. We are, however, very concerned that the current guidance does not truly enable the also critical need for nursing home residents and their families to virtually visit and communicate during this public health emergency. Requiring nursing home residents to go weeks or even months without *any* visits from loved ones is extremely serious, and the CMS guidance should reflect this by requiring nursing homes to prioritize virtual visits and caregiver communications.

In the March 13<sup>th</sup> guidance, CMS advised that all nursing homes nationwide should “**restrict** visitation of **all** visitors...except for certain compassionate care situations, such as an end-of-life situation.” CMS advised that in lieu of visits, facilities “should consider” offering “alternative means of communication for people who would otherwise visit, such as virtual communications (phone, video-communication, etc.)” People living in nursing homes have the right under federal law to receive visitors. The law also requires that nursing homes “must provide services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.”

During this stressful and difficult time when in-person visitation is very restricted, we strongly recommend that CMS immediately modify its guidance to reflect that nursing homes **must** offer *and facilitate* alternative means of communication for individuals who would otherwise visit, such as virtual communications. Such virtual visits can be essential to the emotional, mental, physical, and social well-being of nursing home residents. For some residents, these virtual visits may be the difference between life and death.

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While the current CMS guidance indicates a telephone call would suffice, given the widespread adoption of video-chat options (from FaceTime to Skype to Zoom and so on), AARP believes these virtual visitations must include the ability to communicate on video, not only for the emotional well-being of the resident, but also so family caregivers can ensure their loved ones are being well cared for. If funding is needed to ensure video-chat options, we encourage the provision of such funding and consideration of how such communications could be part of telehealth.

In addition, during these times of great uncertainty for families, we believe nursing homes should be required to provide proactive communications to the primary caregiver(s) of nursing home residents regarding their physical and emotional health and more general updates or information for families. We urge CMS to modify its guidance to reflect that nursing homes **must also** create additional or increase listserv communications; assign staff as primary contact for families; and offer a phone hotline for family members to get information about their loved one's care.

We appreciate CMS' efforts to ensure the health and safety of nursing home residents and understand the challenges nursing homes are facing. At the same time, it is essential for residents and families to be able to communicate and visit virtually, especially during this public health emergency. Thank you for your prompt attention to this issue of great importance to our nation's nursing home residents and their families. If you have questions, please contact me or Rhonda Richards ([r-richards@arp.org](mailto:r-richards@arp.org)) on our Government Affairs staff at (202) 434-3770.

Sincerely,



Bill Sweeney  
Senior Vice President  
Government Affairs