



July 16, 2020

Dear Senator:

As the Senate considers the next coronavirus response package, AARP, on behalf of our nearly 38 million members and all older Americans nationwide, strongly urges you to prioritize support for those most impacted by this deadly virus.

More than 56,000 Americans have died from COVID-19 in nursing homes or other long-term care facilities in just the past few months. This includes both residents and [employees](#) who lost their lives caring for our loved ones. AARP has heard [devastating, horrific accounts from every corner of the country](#).

Nursing home residents comprise fewer than 1% of the population, but nursing home and other long-term care facility residents and staff account for more than 40% of coronavirus deaths. This high death toll is both tragic and unprecedented. What is happening in America's long-term care facilities is a national disgrace and an ongoing tragedy that must be addressed now.

AARP has called on Congress and the Administration to take immediate bipartisan action on a five-point plan to save lives and improve conditions in these facilities:

1. Ensure regular and prioritized testing of staff and residents, in accordance with CDC guidelines, and provide personal protective equipment (PPE) to staff and residents and ensure their proper use;
2. Create transparency around COVID-19 cases and data in nursing homes and other long-term care facilities, transfer and discharge rights, how provider relief funds are used, and establish guardrails to ensure funds are used for testing, PPE, staffing, virtual visitation, and other items that directly relate to resident care, well-being, prevention, and treatment;
3. Require facilities to provide and facilitate virtual visitation;
4. Ensure adequate staffing levels and allow long-term care ombudsmen in-person access to do their jobs to advocate for residents; and
5. Reject blanket immunity for nursing homes and other long-term care facilities related to COVID-19.

In the middle of this crisis, Congress must prioritize congregate care facilities -- where there has been such a disproportionate loss of life -- with robust, dedicated funding with transparency and accountability. While Congress took important steps with the Families First Coronavirus Response Act and the CARES Act, hundreds of Americans continue to die *every day* in nursing homes, assisted living facilities, State Veterans Homes, and other long-term care facilities.

Reports indicate that PPE is still not available or used properly. Testing varies widely, and nursing homes and other long-term care facilities are often not prioritized for testing despite the death rates, so they often have to wait far too long for results.

AARP supports pending legislation to address this issue, and we urge Congress to come together in a bipartisan way to make nursing homes and other long-term care facilities a priority in the next COVID response package. AARP endorses both the Nursing Home COVID-19 Protection and Prevention Act (S. 3768), sponsored by Senator Casey, and the Emergency Support for Nursing Homes and Elder Justice Reform Act of 2020 (S. 4182), sponsored by Senator Grassley, which together should provide the basis for bipartisan legislation. AARP has also endorsed the bipartisan ACCESS Act (S. 3517) sponsored by Senators Klobuchar, Casey, and Capito. The policies in these bills form the foundation of a robust and well-funded response to the ongoing tragedy happening in America's nursing homes and other long-term care facilities.

The Emergency Support for Nursing Homes and Elder Justice Reform Act of 2020 includes provisions regarding the supply of PPE and regular testing at no cost to residents and personnel, the establishment of strike teams to help states respond to COVID-19 in nursing homes, and transparency of staffing data. Importantly, this bill requires that COVID-19 data collection and reporting happen on a daily basis and that the reporting go back to January 1, 2020, as well as the collection of important demographic data. The televisitation provisions will help ensure vital access to virtual visits for residents with their loved ones, including important assistance in the use of the technology for the visits. As this virus continues to spread throughout congregate care settings, we are pleased that the bill includes other long-term care facilities in addition to nursing homes.

The Nursing Home COVID-19 Protection and Prevention Act also addresses many of AARP's key priorities, including critically needed funding with important guardrails, to support essential activities such as testing, PPE, staffing (including surge teams), and safely facilitating voluntary discharges to home- and community-based settings. It would also help protect residents and their families upon discharges and transfers. The bill requires a taskforce with stakeholder representation from consumers including older adults, individuals with disabilities, family caregivers, and their advocates to advise on a state's use and distribution of federal payments. We also appreciate the data collection, publication, and disclosure requirements in the legislation.

The ACCESS Act would provide grants to nursing homes to support virtual visits. These and other resources are important to enable more residents and families to stay connected – including via video – both to allow families to ensure their loved ones are being well cared for and help combat social isolation.

The devastating impacts of COVID-19 on long-term care facility residents further demonstrates the need for greater investments in home and community-based services (HCBS). These investments will allow more older adults to age in their homes and communities where they want to be, while also helping to alleviate some of the challenges we are facing in our nation's nursing homes. Furthermore, on average, for every one person residing in a nursing home, Medicaid can fund *three* individuals receiving home and community-based long-term care. AARP has long

urged Congress to make sufficient resources available to enhance access to HCBS. We should support the workforce that provides these important services, as well as needed funding to pay for back-up services when regularly scheduled home care workers or family caregivers are not available. Especially now, when so many people are seeking alternatives to congregate care settings, Congress must make HCBS a higher priority.

Addressing the current crisis requires both necessary policy and robust funding. Both are essential ingredients of bipartisan legislation that Congress must pass to address the current disaster in our nation's long-term care facilities and stem the continued loss of life across the country. AARP urges that the next coronavirus package include these desperately needed policy changes and funding to address COVID-19 and long-term care facilities.

For the sake of families, residents and staff across this country, we urge you to come together and enact the critical policies and funding outlined above. They cannot wait any longer. It is literally a matter of life and death. If you have any questions, please feel free to contact me, or have your staff contact Rhonda Richards on our Government Affairs staff at [rrichards@aarp.org](mailto:rrichards@aarp.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. Leamond". The signature is fluid and cursive, with the first name being the most prominent.

Nancy A. Leamond

Executive Vice President and Chief Advocacy and Engagement Officer