

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

May 14, 2020

Alex M. Azar II  
Secretary  
U.S. Department of Health & Human  
Services  
The Hubert H. Humphrey Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20001

Seema Verma  
Administrator  
Centers for Medicare and Medicaid  
Services  
The Hubert H. Humphrey Building  
200 Independence Ave., S.W.  
Washington, D.C. 20001

Dear Secretary Azar and Administrator Verma:

The current pandemic has put immense strain on nursing homes and long-term care facilities, which serve the most vulnerable in our communities. In New York, the state has estimated at least 5,000 COVID-19 related fatalities in these facilities. However, due to unclear and shifting policy guidance at the state level, this number is dramatically higher than reports originally indicated.

These tragic statistics are unacceptable. Older Americans deserve safe, reliable housing and care. We urge your agency to investigate New York State's adherence to appropriate safety and health guidance within nursing homes and long-term care facilities as well as any other factors contributing to the COVID-19 fatality rates in these facilities.

We appreciate the guidance CMS has issued to nursing homes to minimize risk of transmission of the virus. However, we are deeply concerned with the current situation in New York State. New York State has encouraged long-term care facilities to accept patients who have been diagnosed with COVID-19 upon their release from the hospital, and, for a time, enacted a policy which allowed asymptomatic COVID-19 positive caregivers to provide care for infected patients. Furthermore, long-term care facilities are overwhelmed with patients and under-staffed, cases are rising daily, and the lack of personal protective equipment (PPE) puts health care workers at a significantly higher risk of contracting and spreading COVID-19. These policies have created a dangerous environment where residents of long-term care facilities are at an even greater risk and health care workers face a near impossible task of preventing the spread of the virus from new COVID-19 positive patients.

In order to address these concerns, we ask that you examine the efficacy of New York State's COVID-19 guidance for long-term care facilities as well as provide information on HHS and CMS oversight of long-term care facilities, including nursing homes during the current pandemic.

Given the urgent nature of this issue and the rising death toll, we await your prompt response. We appreciate your attention to this matter.

Sincerely,



John Katko  
Member of Congress



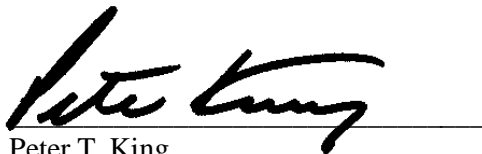
Elise Stefanik  
Member of Congress



Lee Zeldin  
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Tom Reed  
Member of Congress



Peter T. King  
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