

Congress of the United States
Washington, DC 20515

April 27, 2020

The Honorable Seema Verma, M.P.H.
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Verma,

We write to express our serious concern about apparent failures to protect dozens of vulnerable residents and staff from COVID-19 at skilled nursing facilities in the Life Care Centers of America (LCCA) network. It is within your authority to ensure that LCCA facilities and others under your oversight are properly disinfected, that the operators are forewarned of the potential consequences of failing to adhere to CMS guidelines, and that state and local public health authorities are alerted when operators fall short.

As you know, CMS issued guidance on April 19, 2020 to State Survey Agency Directors which alerts them of forthcoming reporting requirements pertaining to COVID-19 infections at nursing homes. The guidance states that CMS will be “*reinforcing an existing requirement that nursing homes must report communicable diseases, healthcare-associated infections, and potential outbreaks to State and Local health departments.*” This is an important and positive development, and we commend you for taking this vital step. Nevertheless, it does not appear to address the risk of *systemic* failures across a regional or national network of nursing home facilities to meet federal safety standards.

Published reports indicate that as early as February 10th, there were signs of a possible COVID-19 outbreak at the Life Care Center in Kirkland, Washington. Since then, there have been at least 43 deaths from COVID-19 linked to that nursing home. Subsequently, on March 28th, the first positive case of COVID-19 at Life Care Centers of Nashoba Valley (LCC-NV) in Littleton, Massachusetts was confirmed. To date, in the Littleton facility, there are at least 78 residents and 17 staff members who have tested positive for the coronavirus and at least 17 deaths as a result of this outbreak. At both LCCA facilities, the operators did not provide adequate notification to public health authorities on any confirmed or suspected cases within their network.

The case of LCCA illustrates the need for CMS to ensure that *all* relevant public health authorities are alerted when one or more facilities within an operator’s regional or national network is discovered to have a COVID-19 infection. The final version of the requirements that follows from the April 19 guidance should mandate that the local and state public health

authorities responsible for each of the facilities within a regional or national network receive an alert whenever COVID-19 is detected in a different facility – whether or not the other facility is in the same state or region. This will allow such authorities to weigh whether preventative measures should be taken at the facilities for which they are directly responsible.

Additionally, we urge CMS to continue to proactively inform nursing home operators of their conditions of participation as providers with CMS and potential enforcement actions should they fail to adhere to federal rules. CMS possesses a range of enforcement abilities, which includes civil monetary penalties and directed plans of correction, to remedy such failures.

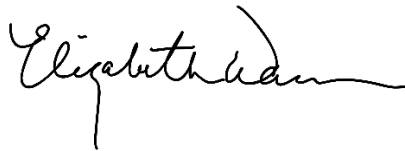
In this unprecedented global pandemic, transparency and accountability is crucial to saving lives and safeguarding public health. The families that we represent have placed a sacred trust in nursing home facilities, which should ensure their well-being and protection.

We look forward to receiving a response to our inquiries and thank you for your attention to this critical issue.

Sincerely,



Lori Trahan
Member of Congress



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator