The Honorable Tom Wolf  
Governor, Commonwealth of Pennsylvania  
Office of the Governor  
508 Main Capitol Building  
Harrisburg, Pennsylvania 17120

RE: AARP Pennsylvania Statement on Nursing Facility Transparency During the COVID-19 Pandemic

Dear Governor Wolf:

Over the last few days, AARP Pennsylvania has grown increasingly troubled at the rapid increase in the number of cases of COVID-19 in our state’s nursing facilities, saddened at the uptick in the number of residents dying from this pernicious virus, and steadily concerned at the lack of support for facility frontline staff.

While we appreciate the actions that our state’s elected and healthcare leaders have taken to address the crisis, considering Pennsylvania has one of the oldest populations in the United States and is home to nearly 126,000 people residing in nursing homes and assisted living facilities, we believe that more must be done to protect Pennsylvania’s nursing facility residents.

Given recent press reports, we are troubled that some families remain in the dark about the care that their loved one is receiving, that facilities are not communicating to families quickly about developing COVID-19 cases in facilities, and that the workers on the frontlines are completely overwhelmed and lack the equipment and support they need.

With the crisis continuing to worsen, we cannot afford to wait another second to shine a light on the situations facing our nursing facility residents and staff. Our system must be more transparent. In particular, we call on you and the Department of Health (DOH) to address immediately the following:

- **When and how will DOH make public the names of nursing facilities with confirmed COVID-19 cases?** Just this past week, DOH finally began posting online the number of COVID-19 cases and deaths in long-term care facilities, broken down by county. Nursing homes are required to use an electronic patient safety system to notify the state about serious infections, including respiratory illnesses, within 24 hours of identifying them. Current regulations, however, do not require facilities or the state to publicly report the incidence of COVID-19 infections in nursing facilities. Public reporting of the available data by facility will ensure that the public has the information that is critically needed in real time to properly respond to the crisis, and to help them to make decisions about their own health and possible next steps and interventions for their loved ones.
How will you ensure that all facilities have a point of contact for families and regularly report to families about the number of known COVID-19 positive cases among residents and staff, mortalities in the facility, and any reductions in staffing levels compared to staffing levels before the declaration of the state emergency? Just a few days ago, the Centers for Medicare and Medicaid Services (CMS) announced new regulatory requirements that will require nursing homes to inform their residents, their families and representatives of COVID-19 cases in their facilities. When will DOH implement this much needed and very overdue process? Press reports continue to raise questions as to whether or not facilities are timely communicating with families and court appointed guardians. At this same time, federal regulators have halted regular inspections and DOH is only investigating complaints when it is indicated that patients are in immediate jeopardy. With family members and court-appointed guardians not allowed into facilities to check on their loved one, they need and frankly, deserve access to timely information, including COVID-19 infections, mortalities in the facility, and staffing levels.

When and how will you make public information around DOH’s mentioned plans to transfer COVID-19 positive residents from nursing facilities into other facilities? Transfers from a facility can have both immediate and longer-term negative impacts on an individual’s health and any transfer plan needs to include the resident, their families and court appointed guardians, and the Ombudsman in the planning, and provide appropriate and effective counseling to better minimize trauma and anxiety.

How will you ensure that nursing homes have adequate staff to meet the demand resulting from the crisis? We understand that in several areas of the state, staff not showing up for their shifts in some long-term care facilities forced the Administration to coordinate the transfer of affected residents to other facilities. What are your plans to ensure that facilities can maintain required staffing levels or to supplement staff (e.g., utilize Ombudsman volunteers for nonclinical work, such as housekeeping and dietary tasks)? Moreover, understanding that the Pennsylvania National Guard Medical Team was deployed to a 298-bed facility in Delaware County, who is deciding when this resource can and will be used and when will the plan be shared with the public?

How are you managing nursing facility access to and appropriately use of critical PPE to prevent the spread of COVID-19 among staff and residents? While DOH has applied the previous CMS guidance to all licensed nursing facilities, whereby the facility is to actively take employees temperature and document absence of shortness of breath, new or change in cough, and sore throat, there is no oversight or enforcement, and little organized support. We are concerned that many Pennsylvania facilities are not following the CMS guidance as they struggle to contain the spread, limit the number of deaths, and ensure that their staffs have proper protective gear needed to treat and protect residents while also protecting themselves.
Would you consider engaging the Office of Advocacy and Reform to serve as a centralized entity focusing on these nursing home issues? Your “Protection of Vulnerable Populations” 2019 Executive Order established the Office of Advocacy and Reform as a way to protect Pennsylvania’s most vulnerable residents, chief among them children, persons with disabilities and older adults. Child welfare officials and advocates are worried that many cases of child abuse will go unreported during the pandemic, since children are no longer in school or activities. Similarly, long-term services and supports advocates have the same worry as reports of elder abuse have dropped since the pandemic took hold. Pennsylvania’s most vulnerable citizens deserve a central entity where they can access accurate and trusted information. Specific to the nursing home issues residents are experiencing, having a centralized point of contact can make certain that residents, their families, court appointed guardians, staff members and the wider public are informed about what is occurring inside the facility walls, including whether the facility has the tools and staffing needed to protect people and save lives, while helping to deliver solutions in a timely manner.

The scope of this pandemic is like nothing we have seen in our lifetimes. AARP stands ready to work with your teams in any way we can to implement measures to ensure timely communications for residents and families and steps to improve care for our most vulnerable populations. At your earliest possible convenience, I can be reached at 717-237-6489 or wjohnstonwalsh@aarp.org.

Sincerely,

Bill Johnston-Walsh
AARP Pennsylvania State Director

CC: Honorable John Fetterman, Lieutenant Governor of Pennsylvania
Secretary Rachel Levine, Pennsylvania Department of Health
Secretary Robert Torres, Pennsylvania Department of Aging
Michael Brunelle, Chief of Staff, Office of Governor Tom Wolf
Gregory G. Schwab, Chief Counsel, Office of Governor Tom Wolf
Meg Snead, Secretary of Policy and Planning, Office of Governor Tom Wolf
Dan Jurman, Executive Director, Pennsylvania Office of Advocacy and Reform
Margaret Barajas, Pennsylvania Long-Term Care Ombudsman

AARP is the nation’s largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, AARP works to strengthen communities and advocate for what matters most to families with a focus on health security, financial stability and personal fulfillment. AARP also works for individuals in the marketplace by sparking new solutions and allowing carefully chosen, high-quality products and services to carry the AARP name. As a trusted source for news and information, AARP produces the world’s largest circulation publications, AARP The Magazine and AARP Bulletin. To learn more, visit www.aarp.org or follow @AARP and @AARPadvocates on social media.