



May 28, 2020

Majority Leader Mitch McConnell  
Minority Leader Charles Schumer  
United States Senate  
Washington, DC 20150

Speaker Nancy Pelosi  
Minority Leader Kevin McCarthy  
United States House of Representatives  
Washington, DC 20515

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

LeadingAge and our partners the Visiting Nurse Associations of America and ElevatingHOME, on behalf of our almost 6000 non-profit members who provide housing, health care and personal assistance to older persons and persons with disabilities, appreciate the assistance Congress has provided over the past couple of months to help aging services providers keep older people safe and care for those who are infected with COVID-19.

COVID-19 disproportionately affects older persons, persons living in close quarters or congregate living, and the people who serve these elders. We hope you will further address the continuing challenges our members face in responding to this crisis and its extraordinary impact on them and the people they serve. We appreciate the consideration given by Congress to the concerns of our members, as outlined in letters dated March 17, April 3, and May 5.

With your support, our members have risen to the challenge and will continue meeting their civic duty and living their mission to care for older people.

The purpose of this letter is to request that Congress focus additional attention and resources on COVID-19 testing in all settings that serve and care for older people. Federal leadership and funding are especially needed to cover baseline and weekly testing of all residents and staff in nursing homes, as recommended on May 14 by the President and on May 18 by the Administrator of the Centers for Medicare and Medicaid Services. CMS further required nursing homes to report COVID cases and deaths among staff and residents to CDC using the National Healthcare Safety Network. Without reliable, consistently available testing resources, reliable reporting cannot happen.

While we support the recommendation, it is irresponsible of federal leaders to tell nursing home providers to “talk to your governor” to supply and pay for testing – it would be equally inappropriate to ask other aging services providers to do the same. A few governors are covering the first round of such testing, but many are not, and most cover only one test, at best a snapshot in time.

Specifically, we urge Congress to address the following testing requests.

- ***Ensure that federal policies and financing support testing when COVID-19 is suspected and of all residents of congregate settings whenever anyone in the setting tests positive.***
- ***Covering the cost of testing includes more than just test kits.*** It requires personnel to administer tests. Nursing homes have nursing staff who can conduct testing, though they will be pulled away from other duties if widespread testing is required. Additional staffing needs to conduct tests must be addressed. For other settings, Congress should explicitly provide for testing via mobile teams or other on-site alternatives.
- ***Cover the costs of testing for aging services staff, including repeat testing, especially where required, as in nursing homes, but also in other congregate settings where older people live, such as assisted living, HUD-assisted affordable housing, and life plan communities.*** While the CARES Act requires health insurers, both private and public, to cover testing costs, it is not clear that insurers are able to or will cover multiple tests. The cost needs to be covered by the federal government to ensure availability of tests in all settings, especially if mandated. In addition, health insurers are not necessarily covering ancillary costs.
- ***Cover the cost of testing for staff, including repeat testing, who provide home health, hospice, or other in-home services for older people both in their homes and congregate settings.*** Coverage for multiple tests by insurance is not guaranteed and does not cover ancillary costs.
- ***Ensure that all aging services providers who conduct the tests have guaranteed access to CDC-recommended personal protective equipment needed to do the testing.***
- ***Ensure that tests are available and affordable so that family members may visit loved ones in congregate settings.***
- ***Establish a fund to cover temporary staff when staff across settings test positive and must quarantine for 14 days.***
- ***Require state surveyors to be tested weekly.*** Surveyors travel between nursing homes and should be tested as regularly as staff are tested.
- ***Eliminate disincentives to testing for COVID-19.*** Require that state surveyors enforcing federal nursing home requirements provide collaborative feedback to nursing home providers; do not allow efficient testing practices to result in punitive citations and penalties.
- ***Develop accurate rapid result testing.*** Research resources must be invested to identify tests for COVID infection that are easily conducted, produce rapid results, and are affordable and accessible. We note that the House of Representatives included \$75B in

the Heroes proposal for these purposes but aging services providers need a separate fund to cover testing needs outlined in this letter

- ***Produce enough tests to meet demand, quickly.*** We further request that Congress mandate that the Administration use the Defense Production Act to increase the amount of testing available.

For aging services providers, especially in congregate settings, particularly those for older people who are disproportionately negatively affected by COVID-19, accurate testing must be available when needed – no matter how often it is needed; results must be available quickly so providers can take steps to treat those who are ill and protect others; and the costs – all the costs – test kits, PPE and staffing -- must be borne by government. Provisions must be made to take into account the staffing and service implications of positive test results.

- ***Address unique testing needs in affordable housing.*** In federally subsidized senior housing settings, providers need quick access to testing for residents who would like to be tested as well as for staff. Affordable senior housing providers do not have the desire or capacity to administer tests but do want residents and staff to have access to testing. In these communities, local health departments must work with affordable senior housing communities if a resident tests positive; residents are not required to disclose such information and affordable senior housing communities cannot ask residents about their health status. And, affordable senior housing providers need federal funding support to ensure they can practice effective infection control.

Testing and ensuring the care and safety of those in congregate care, in fact, protects all members of society. Aging services organizations are vital parts of the communities in which they are located. A community is only as COVID free as its aging services providers.

For further information, please contact Ruth Katz, Senior Vice President, Policy, [rkatz@leadingage.org](mailto:rkatz@leadingage.org).

Sincerely,

A handwritten signature in black ink that reads "Katie Smith Sloan".

Katie Smith Sloan  
President and CEO LeadingAge  
Acting President and CEO, VNAA/Elevating Home