



June 30, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, DC 20201

Dear Secretary Azar,

LeadingAge and our partners, the Visiting Nurse Associations of America and ElevatingHOME, on behalf of our 6,000 non-profit members who provide housing, health care and personal assistance to older adults and people with disabilities write to ask that you extend the Public Health Emergency (PHE) as authorized by Section 319 of the Public Health Service Act beyond its current July 25th deadline.

We commend your team for working around the clock to respond to the many needs of providers and consumers during the COVID-19 national emergency. We are grateful for their responsiveness and dedication. However, the emergency continues – we are still seeing 40,000 new COVID-19 cases per day and our members continue to need the flexibilities enabled by the authority of the PHE to continue to serve residents, clients, and caregivers safely and nimbly.

Our members, regardless of whether they are in a current COVID-19 hotspot, are still operating under rules and procedures dictated by the pandemic. They have taken extraordinary measures to reshape their organizations to meet the moment – whether that means opening COVID-only units, dividing staff into COVID and non COVID teams, operationalizing telehealth as a care modality practically overnight, procuring PPE, and contracting with a slew of new vendors including labs.

This care paradigm will be in place for aging services providers for the foreseeable future and the waivers and flexibilities that are authorized by the PHE must continue to support our efforts. The tools that your team has put in place with the authority of the PHE – from waivers around staff supervision and licensure to flexibility for labs that allow us to access critical testing resources are vitally important for the continued safety of older Americans and those who care for them. Ending the PHE would also trigger the end of essential Congressional support such as the increased Federal Medical Assistance Percentages (FMAP) and the provisions from the *Coronavirus Preparedness and Response Supplemental Appropriations Act*



and the *Coronavirus Aid, Relief, and Economic Security Act* (CARES) which enabled your team to expand telehealth access in the Medicare program.

We ask that you extend the PHE for another 90 days and look forward to continued work with your office on which waivers might endure beyond the PHE as well as a discussion of what future metrics would indicate that the PHE is indeed over. Additionally, we ask that the Administration have a plan, developed in concert with stakeholders, to ensure care continuity and the safety for our staff, residents, clients, and caregivers prior to declaring the end of the PHE.

Thank you for your work to date and for your consideration of this request. If you have any questions, please contact Ruth Katz, Senior Vice President, Policy, 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