

December 28, 2020

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

Dear Mr. Secretary:

On behalf of our more than 14,000 Skilled Nursing Facility and Assisted Living Center members, the American Health Care Association and National Center for Assisted Living (AHCA/NCAL) urges **the Secretary of Health and Human Services (HHS) to extend the public health emergency beyond its current January 23, 2021 expiration date so health care providers can continue to offer the most efficient and effective care possible during the continuing COVID-19 pandemic.**

On January 31, you declared a public health emergency in response to the COVID-19 pandemic. That declaration has proven critical in equipping hospitals and health systems with the tools and resources necessary to manage the COVID-19 surge and ensure high-quality care in this unprecedented environment. Further, your public health emergency declaration, in combination with the President Trump's national emergency declarations, have made available flexibilities and resources that allowed – and continue to allow – our members to use the vital tools necessary to combat the pandemic.

As you are aware, the current public health emergency will expire on January 23, 2021. We urge you to continue to extend the declaration until the following criteria are met:

1. The supply chain is able to continuously meet the increased demand for personal protective equipment (PPE) needed to keep health care workers safe in treating patients with and without COVID-19, and able to meet the demand for laboratory testing supplies and treatment medications necessary to safely and effectively treat COVID-19.
2. The number of laboratory tests administered per day in the U.S. exceeds 500,000 per day, and the number of COVID-19-positive test results is equal to or fewer than 5,000 per day for a period of at least 14 days.
3. The number of patients in intensive care unit (ICU) beds in the U.S. is fewer than 5,000 per day for a period of 14 days and no more than 10% of those patients are in any one city or region.

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4. The number of deaths per day from COVID-19 in the U.S. is fewer than 500 for a period of 14 days.
5. Vaccine administration has achieved or exceeded the 70% needed for herd immunity.

The challenges that our members have faced – rapid bed capacity increases, overnight telehealth system overhauls and implementation, and PPE acquisition – have been nothing short of extraordinary. However, with your help, SNFs and ALCs have used every tool at their disposal to respond to this unprecedented challenge. Without your action and the impact of the public health declaration, these challenges would have been exponentially more difficult to overcome, which is why we are asking for continued action from HHS moving forward.

With the current surges and projected additional surges, we anticipate the challenges associated with COVID-19 that our members and communities face every day will continue throughout several months, and potentially another entire year as the vaccine is administered.

COVID-19 is expected to significantly surge in winter requiring continued assistance from the federal government. Remarkable progress in combatting this pandemic continues to be made, and now is not the time to pull back, but rather reinforce the need for a strong response from SNFs and ALC as we work through the coming months. We greatly look forward to administration of the vaccine but understand all too well the lengthy time horizon for reaching the needed 70% for herd immunity. Until we reach that moment, our members, with your continued assistance and waiver flexibility, will remain ready and prepared to manage any future COVID-19 surges.

AHCA/NCAL appreciates the support and assistance that HHS is providing to our members so that they are best positioned to care for their patients and communities. The health and well-being of our nation is our top priority, and we look forward to continuing to work with you to serve that goal.

Sincerely,



Mark Parkinson
President and Chief Executive Officer