

January 5, 2022

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

Dear Secretary Becerra:

On behalf of our more than 14,000 skilled nursing facilities (SNF), assisted living communities (AL) and intermediate care facilities for individuals with intellectual disabilities (ICF/IID) member providers, the American Health Care Association and the National Center for Assisted Living (AHCA/NCAL) urges you to extend the public health emergency (PHE) beyond its current January 16, 2022 expiration date so that long term and post-acute care providers can continue to offer the most efficient and effective care possible during the ongoing COVID-19 pandemic. With the Omicron variant causing the largest surge of COVID-19 cases across the country ever, now is not the time to let crucial supports and flexibilities necessary to combat the virus end.

Public health experts project that the Omicron surge will last many more weeks and will continue to cause havoc on our nation's health care system due to its highly contagious nature. Even after Omicron, COVID-19 will continue to mutate as much of the world's population and a good portion of the U.S. population remains unvaccinated. Vulnerable populations, such as those served in long term care facilities, will continue to be at serious risk with each new mutation, as spread in the general community is the [biggest indicator](#) of nursing home outbreaks.

Due to the ongoing and unpredictable battle long term and post-acute care providers must continue to wage against COVID-19, we strongly encourage you to continue to extend the PHE declaration and maintain the related Section 1135 and Section 1812(f) waivers, enhanced Medicaid FMAP to states, and state Medicaid policy flexibilities, such as the waiver for Medicaid redeterminations.

The COVID-19 pandemic has presented significant challenges to the entire health care continuum and specifically to the long term care profession. Nursing homes are facing a historic labor crisis, losing more than [230,000 caregivers](#) or nearly 15% of the workforce since the beginning of the pandemic. This is the worst among all health care professions and is impacting the sector's ability to serve patients. More than half of nursing homes are limiting new admissions at a time when overwhelmed hospitals need our assistance to free up precious beds due to the Omicron surge. However, with your help, health care providers, including those in long term care, can access key tools available through the PHE declaration to help respond to this unprecedented challenge.

Along with extending the PHE, we implore the federal government to prioritize long term care for access to urgently needed resources, such as COVID-19 testing and treatments. With the high spread of Omicron and breakthrough cases among those vaccinated, the need for rapid and reliable testing as well as treatments for our resident population—who is at the highest risk for COVID-19 complications and hospitalizations—is crucial. Currently, long term care providers are left to compete on the open market for tests. We urge you to increase

the number of shipments with tests and testing equipment supplied to long term care providers as well as ensure our staff and residents remain the utmost priority for testing.

Additionally, the federal government should set up a separate allocation of COVID-19 treatments that long term care pharmacies can access to supply our settings. At present, long term care providers must navigate the various cumbersome ordering process for treatments that each state has set up. This has resulted in delays in accessing life-saving treatments. Establishing a separate process for long term care pharmacies to order treatments directly and increasing the availability of testing in long term care would help our settings identify the virus quickly and save precious lives.

Remarkable progress in combatting COVID-19 continues to be made, and now is not the time to pull back, but rather reinforce the need for a strong response during this ongoing global pandemic. AHCA/NCAL appreciates the support and assistance HHS is providing to long term care providers, so that they are best positioned to care for their residents, patients and communities. The health and well-being of our nation's most vulnerable is our top priority, and we look forward to continuing to work with you to serve that goal.

Sincerely,



Mark Parkinson
President & CEO

cc: Andrea Palm, Deputy Secretary

cc: Sean McCluskie, Chief of Staff