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May 28, 2020

The Honorable Seema Verma Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard Baltimore
MD 21244

Dear Administrator Verma,

I write today to urge you to immediately address the safety deficiencies in nursing homes across the country to protect our seniors – our most vulnerable population during this pandemic. A recent report highlights the inadequate infection control practices at nursing homes in the years leading up to the COVID-19 pandemic—it is clear your agency failed to address these early warning signs and now it is imperative for you to act immediately.

On May 20, 2020, Government Accountability Office (GAO) released a [report](#) revealing that 82 percent of nursing homes lacked adequate infection control practices during one or more years between 2013 and 2017. These deficiencies include lacking basic hygiene practices, such as handwashing among staff or the lack of preventive protocol measures during disease outbreaks. Nearly 50 percent of facilities found to have these deficiencies were cited in following years—many of these facilities, including those cited as repeat offenders, never received an enforcement action imposed on them from the Centers for Medicare and Medicaid Services (CMS) meaning these nursing homes had an opportunity to correct their deficiencies before the outbreak of the COVID-19 pandemic. This is particularly alarming since nursing homes have been at the epicenter of COVID-19 exposures and deaths.

While less than 0.62 percent of Americans are housed in nursing homes or assisted living facilities, a staggering [43 percent](#) of all COVID-19 deaths have occurred in these facilities. These troubling figures are no different in my district where more than half of the COVID-19 deaths in Stanislaus County have occurred in a single nursing home.

This report underscores the unfortunate reality that your agency ignored red flags resulting in nursing homes being unprepared to combat this pandemic. Had these issues been addressed earlier, including putting in place the proper enforcement and accountability measures, nursing homes would be better equipped to handle this health crisis. Given the urgency of this issue, I inquire the following:

- What is your agency doing to ensure nursing homes take the proper steps to include infection control and preventative COVID-19 exposure measures?
- How is your agency responding to nursing homes that are found to lack adequate infection control practices, including repeat offenders?
- What concrete steps is CMS taking to ensure nursing homes are safe for our seniors and employees who live and work in nursing homes?

Too many families have suffered the loss of a parent, grandparent, or elderly loved one at a nursing home. The American people deserve better and now is the time for agency to act and ensure our nursing homes are adequate homes for our elderly to live, especially during these challenging times.

Thank you, Administrator Verma, for your attention to this critical matter.

Sincerely,

A handwritten signature in black ink that reads "Josh Harder". The signature is written in a cursive style with a horizontal line underneath it.

Josh Harder
United States Representative (CA-10)