



March 13, 2020

The Honorable Nancy Pelosi
Speaker of the House, U.S. House of Representatives

The Honorable Mitch McConnell
Majority Leader, U.S. Senate

Dear Speaker Pelosi and Majority Leader McConnell:

I am writing on behalf of Argentum, the leading national association exclusively dedicated to supporting companies operating professionally managed, resident-centered senior living communities and the older adults and families they serve. Argentum member communities offer assisted living, independent living, continuing care, and memory care services, representing approximately 75 percent of the professionally managed senior living industry. We sincerely appreciate your continued support and leadership in combatting the ongoing COVID-19 pandemic and ask that our communities, residents, and staff be prioritized, particularly with regards to timely and sufficient testing supplies, as Congress continues its effort to prevent the spread and respond to the outbreak of this virus.

Senior Living and COVID-19

Senior Living is a home- and community- based setting for older adults combining housing, supportive services and health care as needed. There are currently 28,900 communities in the United States with more than 811,500 residents calling assisted living home. More than half of all residents are over the age of 85, and another 30% are between the ages of 75-84. They often cope with multiple chronic conditions, with more than half suffering from hypertension and a third with heart disease. Over 42% suffer from some type of cognitive impairment.

The ongoing coronavirus pandemic, COVID-19, presents unique challenges to our residents, as individuals who are at the greatest risk for severe disease and death include people aged over 60 years and those with underlying conditions such as hypertension, diabetes, cardiovascular disease, chronic respiratory disease and cancer. While the flu generally kills fewer than 1% of those infected, available data on COVID-19 indicates a death rate of 3.4%, rising to 8% for patients ages 70-79, and to 14.8% in patients over 80 years of age.

Professionally managed senior living providers already have significant plans in place for emergency situations, and they follow infection control procedures and protocol every day to prevent the spread of illness. To minimize risk to their residents and staff, all companies and communities are taking additional steps to prevent the transmission of the virus. These measures range from screening and limiting visitor contact with residents to reminding staff and visitors to stay home if they are feeling ill. Family members are encouraged to communicate virtually with residents during this time and communities are providing support through phones, tablets, and computers. Argentum is also continually updating a [comprehensive toolkit](#) for providers and communities on ways to prevent the spread of the virus and respond as needed.

We recommend that the CDC clarify protocols that residential care facilities and state agencies should follow when a member of the community becomes symptomatic. The protocol should clarify that testing supplies should be readily available and that all residents and staff should be immediately tested. Any resident who tests positive should be relocated to a healthcare facility equipped for infectious disease control, staff who test positive should self-quarantine outside of the community, and communities should restrict access and implement infectious disease control procedures.

While communities are taking preventive measures against the virus, there is no doubt that support is needed from the federal government to help keep our residents and team members safe. Argentum supports federal measures that are specifically targeted at protecting employees, residents, and the financial stability of communities to be able to continue serving residents during and after the pandemic.

Considerations for Residents

- **Virus Testing** – Protecting healthy residents and staff requires timely and verifiable testing on suspected cases of the virus. We support policies that will ensure senior living communities will have adequate access to COVID-19 tests that will enable expeditious initiation of escalated infection control protocols.
- **Vaccines and Treatment** – Given the vulnerable populations that senior living serves, any vaccines or treatments should prioritize our communities to prevent the continued spread of the virus and health problems that are more prevalent to the elderly and those with chronic medical conditions.
- **Telehealth** – Telehealth and virtual medicine holds enormous promise for evaluating and treating patients without exposing potentially infected individuals to those who are healthy. Argentum appreciates the temporary telehealth provisions included in PL 116-123. We further support expanded telehealth opportunities and reduced or eliminated out-of-pocket expenses that will encourage the use of telehealth whenever possible, including outside of the scope of a publicly declared health emergency.

Considerations for Employees

- **Ensuring Adequate Supplies** – Guidance released by CMS on March 10 provides details on the types of personal protective equipment (PPE) that long-term care communities should maintain to properly protect against the spread of the virus. These include respirators, facemasks, eye protection, medical gown, and gloves. We support proposals that will prioritize senior living communities to receive the necessary supplies and equipment to care for our residents.
- **Emergency Paid Leave** – By and large our industry already offers paid sick leave for their employees to ensure staff have time to recover and prevent the spread of infectious disease. We support proposals such as tax credits or unemployment insurance for healthcare and long-term care workers that will ensure staff will be compensated if they contract COVID-19 or a similar disease caused by a future declared public health emergency, must self-quarantine due to encountering an infected, or must be a primary caregiver to an infectee.
- **Personal Support** – As more schools, daycares, and other social institutions close to prevent the spread of the virus, employees will need to balance increasing demands from their personal responsibilities to care for their dependents, while also meeting their work

responsibilities. We support measures that will provide support to ensure our workers are able to meet these demands.

- **Labor Rules** – The senior living industry already faces a workforce shortage with more than 1.4 million jobs that need to be filled in the next decade. The COVID-19 pandemic will exacerbate these challenges with growing demand for overtime and covering shortages due to staff who are unable to work. We support proposals that will relax labor requirements to ensure enough staff are able to care for our residents.
- **HIPAA Privacy Rules** – Providers need to be adequately informed of whether residents are infected with the virus. We support a temporary relaxation of HIPAA/Privacy laws through Public Health Emergency [Section 1135 Waivers](#) so physicians and hospitals can notify senior living communities of positive COVID-19 test results and, further, to mandate such notifications.

Considerations for Financial Confidence

- **Liquidity/Banking** – The measures that senior living communities are taking to prevent and respond to the potential outbreak of COVID-19 can cause significant stress to the financial stability of these communities. We support policies that will ensure that communities serving our most vulnerable populations have the financial means to continue to meet the needs of their residents.

The senior living industry is prepared to respond to the ongoing challenges presented by the COVID-19 pandemic. We urge lawmakers to consider the unique nature of our residents and the vulnerabilities they face to this virus. Prioritizing resources to senior living communities to combat the spread of the virus and ensuring an adequate response in the event of an outbreak will help to reduce the overall effect of this pandemic on society.

If you have any questions about the needs of our communities, or if Argentum can be of assistance as you move forward, please do not hesitate to contact me at either (703) 894-1805 or jbalda@argentum.org.

Respectfully,



James Balda
President & CEO
Argentum

CC: House Majority Leader Kevin McCarthy
Senate Minority Leader Chuck Schumer
Sen. Lamar Alexander, Chair, Health, Education, Labor and Pensions Committee
Sen. Patty Murray, Ranking Member, Health, Education, Labor and Pensions Committee
Rep. Frank Pallone, Chair, Energy & Commerce Committee
Rep. Greg Walden, Ranking Member, Energy & Commerce Committee
Rep. Richard Neal, Chair, Ways & Means Committee
Rep. Kevin Brady, Ranking Member, Ways & Means Committee