



July 16, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

Dear Speaker Pelosi and Leader McConnell:

We, the undersigned organizations write on behalf of the more than 2 million seniors and their front-line caregivers across 21,600 senior living communities. Our organizations represent assisted living, memory care, continuing care retirement communities, and independent living communities.

We are writing to respectfully request that Congress prioritize the needs of the senior living industry, residents and front-line staff in the next federal legislative response package. As you know, senior living communities are caring for those who are at the greatest risk of complications from the disease—people aged over 65 years and those suffering from comorbidities. Many residents in our communities are age 85 and older and cope with multiple chronic conditions, require assistance with activities of daily living (ADL), such as eating, dressing, bathing, and the management or administration of medication, and often suffer from some type of cognitive impairment.

Our communities and front-line staff, including caregivers, certified nursing assistants, Registered nurses, housekeeping, dining staff, and others have been focused on keeping residents safe since the beginning of the pandemic. Senior living operators are proud to be playing a critical role in helping to “flatten the curve” and avoid further burdening our nation’s hospitals during this crisis. However, these extraordinary efforts are leading to significant financial stress, largely due to enhanced infection control measures, acquiring personal protection equipment (PPE) and related supplies, COVID-19 testing, additional staffing and incentives, and loss of revenue associated with halting new residents moving into the communities. While all communities are facing these financial stresses as they work to prevent the spread of the disease, these costs increase exponentially once a resident or staff member tests positive for COVID-19.

Specifically, we are requesting:

- 1. Increased Funding through the Public Health and Social Services Emergency Fund (“provider relief fund”).** Continuing to keep senior living residents and staff healthy will not be possible without financial relief. The financial impact on the industry is expected to be \$45-57 billion over 12 months. This relief is necessary to ensure that senior living will continue to exist today and for the next generation of seniors.
- 2. Priority Access to PPE for Senior Living Communities.** The country is currently experiencing a resurgence of COVID – 19 in over half the states. A second wave is anticipated in the fall. Shortfall of critical PPE such as masks, gowns and gloves must be made a priority for senior living communities. Many parts of the country have not had full access to meet all of their PPE needs. The impending second wave will bring an even greater shortage, placing residents and staff at risk.
- 3. Access to and Reimbursement for Diagnostic and Non-Diagnostic Testing of Employees and Residents.** Reliable, timely testing is a necessity to protect both the employees and residents living in senior living communities. Testing costs range from \$50-150 per test and currently are largely being absorbed by operators. While diagnostic testing costs may be covered by Medicare for residents and private insurance for employees, recurring non diagnostic testing conducted to screen employees and residents is not covered. These costs are simply unsustainable, especially when testing residents and staff with any meaningful frequency are required under federal guidelines.
- 4. Priority Access for the Vaccine.** Senior living is a congregate care setting caring for the population most vulnerable to COVID-19. While restaurants and hotels may begin to open with new restrictions, senior living communities will not be able to return to normal until there is a vaccine. Senior living residents and employees must have priority access to the vaccine when it is developed.
- 5. Small Business Loans Paycheck Protection Program (PPP) Expansion.** The PPP provides 100% federally guaranteed loans to employers with fewer than 500 employees and 501(c)(3) non-profits to help with payroll, mortgage, debt and other expenses associated with paying employees’ salaries. However, they are not currently reaching much of the senior living industry due to “affiliation” rules. The program is currently limited to businesses that employ less than 500 employees, with exceptions that allow that limit to be applied on a per-location basis for businesses that are assigned a North American Industry Classification System code beginning with 72.

We urge similar treatment for senior living by authorizing a waiver of the affiliation rules for NAIC codes beginning with 62, Health Care and Social Assistance. This exemption should also include coverage of senior independent living communities, classified under codes beginning with 52, specifically 531110 and 531311.

- 6. Inclusion of all Senior Living Employees in Hero Pay.** Senior Living providers have stepped up to care for their direct-care staff through bonuses and other incentives to keep workers on the front-lines and caring for our most vulnerable. Congress should recognize the important work that these essential workers are performing by ensuring they are eligible for any federal “Hero Pay,” such as proposals that would provide an additional \$13 per hour wage increase and recruitment incentives to attract and secure the workforce.

The COVID-19 pandemic has proven how truly essential senior living communities are for serving our nation's seniors. However, the costs of caring for those most at risk of infection cannot be overstated, and while we continue to do everything possible to keep residents and staff safe and healthy, these costs are simply unsustainable, requiring substantial and immediate financial relief. As Congress considers next steps in its response, our communities and the millions of seniors under our care must be prioritized to ensure that senior living remains a viable option for the foreseeable future.

Respectfully signed,



James Balda
President & CEO
Argentum



Katie Smith Sloan
President and CEO
LeadingAge



Scott Tittle
Executive Director
National Center for
Assisted Living
(NCAL)



David Schless
President
American Senior
Housing Association
(ASHA)

CC: House Minority 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
Sen. Chuck Grassley, Chair, Finance Committee
Sen. Ron Wyden, Ranking Member, Finance Committee
Sen. Marco Rubio, Chair, Small Business Committee
Sen. Ben Cardin, Ranking Member, Small Business 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
Rep. Jim McGovern, Chair, Rules Committee