



September 15, 2020

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

Mr. Eric Hargan
Deputy Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Secretary Azar and Deputy Secretary Hargan:

As of August 1, nearly 80 percent of all COVID-19 deaths in the U.S. have occurred in people over the age of 65, making this population among the most vulnerable groups to consider as you make decisions to provide access to rapid response antigen testing as well as a vaccine distribution plan. For older adults living in senior living communities—whose average age is 85, the risk is even higher. Many senior living community residents require assistance with activities of daily living, putting them in close contact with direct care workers, and a majority have chronic conditions such as diabetes and heart disease. And necessary preventative measures, such as quarantining and isolation, are accelerating functional and cognitive decline among this population, leading to poor health outcomes.

Additionally, senior living's heroic staff has been serving on the front lines of this pandemic for months, caring for our seniors, risking their own health for the welfare of the older adults they serve. These caregivers, nurses, housekeepers, dining staff, and others interact with the residents daily, placing themselves in danger of contracting the disease themselves and infecting their families and loved ones at home. Due to lack of rapid testing capability, the asymptomatic individual can carry and transfer the virus to residents and possibly create an outbreak in the community.

Protecting older adults, including those in senior living communities, and the senior living workforce, must remain among the highest priorities in testing and vaccine distribution plans, including for distribution of COVID-19 rapid response tests.

We are encouraged by the Administration's recent announcement to prioritize and deliver rapid response antigen tests to assisted living communities. This testing capability is critical in all senior living communities to prevent and mitigate the spread of COVID-19. We therefore seek prioritization and distribution of these antigen tests to all senior living communities; assisted living, independent living, memory care and continuing care retirement communities (CCRCs). It would be short sighted to not include the full continuum of care in senior living as you take steps to protect vulnerable seniors.

Recognizing that additional adjustments and guidance are necessary to successfully implement a sound and effective testing program in senior living communities to protect residents and workforce, we also recommend the following

- **Streamline and expand opportunities for use of the CLIA Certificate of Waiver** – Understanding the approval for a CLIA Certificate of Waiver can take many months the process for receiving approval should be expedited. In addition, consideration should be given to providing for “umbrella” coverage through long-term care pharmacies and pharmacist consultants with whom most of our communities currently have a relationship.
- **Provide tests for family members of residents** - Consideration should be given to making tests available for family members to facilitate visitation which is critical to the health and well-being of our senior population. Senior living operators are working to create a safe environment for visitation opportunities for family and residents. It would be prudent to take steps to ensure family members are COVID-19 free before entering communities.
- **Provide resources and education for testing administration** – Support community staff with education, promotion, and training programs to appropriately administer the tests and reduce false positives or negatives throughout the testing process.
- **Reimburse senior living communities for ongoing testing and PPE costs** – Funding should be made available to senior living communities to continue testing symptomatic and asymptomatic residents, staff and family members throughout the crisis. Senior living communities are committed to utilizing testing and PPE to reduce the spread of COVID-19 and protect residents and staff. However, the ongoing financial impact of the crisis through increased expenses and lost revenues creates a challenging environment for acquiring tests on an ongoing basis.
- **Provide legal protection for administering COVID-19 tests** – Clarification or guidance should be provided to senior living communities through the PREP Act, similar to the skilled nursing facilities for protections related to the use and administration of COVID-19 rapid response tests.

Senior living communities are doing everything they can to protect their residents, staff, and visitors from COVID-19. But they need adequate testing to prevent and mitigate the spread of the virus, particularly given concerns of asymptomatic spread. We thank you for your efforts to prioritize senior living communities during this challenging time and urge you to ensure that these communities will have the testing resources and support they need.

Sincerely,



James Balda
President & CEO
Argentum



David Schless
President
American Seniors Housing Association