

**March 22, 2022**

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

Dear Secretary Becerra,

On behalf of the American Health Care Association and the National Center for Assisted Living's (AHCA/NCAL) 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, I want to thank you for the support you have shown the long term care community during the most difficult time in our sector's history. As our caregivers on the frontline continue to battle this virus, I urgently ask you to extend the public health emergency (PHE) beyond its current April 16, 2022 expiration. While statute only allows the PHE to be extended for 90 days, we encourage you to continue extending the PHE through the end of 2022 so that long term and post-acute care providers can continue to offer the most efficient and effective care possible to our nation's most vulnerable population.

This pandemic is far from over. A surge of cases of the BA.2 variant in Europe threaten a COVID resurgence in the United States, and your administration is currently advocating that Congress allocate tens of billions of dollars in additional COVID funding for testing, treatments, and other supplies our country needs to continue to battle the virus. In addition, Pfizer and Moderna are seeking approval from the Food and Drug Administration of an additional COVID booster shot. It is clear that we are not out of the woods yet, and extending the PHE is critical to ensure states and health care providers have the tools and resources necessary to respond to this ongoing, global crisis.

The COVID-19 pandemic has caused unimaginable and unprecedented challenges for the entire health care sector, but most especially for long term care. In addition to the tragic loss of life in long term care due to the vicious nature of the virus, the industry is experiencing a historic labor shortage—losing more than [400,000 workers](#) since the beginning of the pandemic. Caregivers are burned out after fighting this virus for more than two years, and long term care providers are struggling to compete for workers due to fixed government reimbursement rates. As you can imagine, the loss of nearly half a million workers has put our providers in an impossible situation either having to limit admissions or close their doors completely, threatening access to care for thousands of our nation's seniors. At the same time, providers are having to increasingly rely on temporary staff to cover shifts, even though staffing agencies are charging two to three times more than pre-pandemic rates. The current situation is unsustainable, and simply put, we need help.

The Administration should 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 PHE ensures our health care system, including long term care, has the policies and resources it needs to address this ongoing pandemic. Now is not the time to let crucial supports and flexibilities necessary to combat the virus end.

**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.**

The Omicron surge is a prime example. While deaths in long term care were significantly lower compared to the winter 2020 surge thanks to vaccines, cases still increased due to soaring spread in the community. The weekly tests the federal government ships to long term care facilities are incredibly helpful, but during Omicron it was not enough, and nursing homes and assisted living communities had to compete against other businesses and members of the public to find the additional tests they needed. Rapid and reliable testing is crucial in quickly identifying cases, so that long term caregivers can take appropriate action. We urge the Administration to increase the number of testing shipments to long term care as COVID surges dictate.

Additionally, once we identify residents who have contracted COVID, ensuring they have timely access to life-saving treatments is also critical. As we wrote to you in [January](#), long term care providers must navigate the various cumbersome ordering processes for treatments that each state has created. We appreciate the recent change last week to establish a federal cache of oral agents dedicated to long term care, but access to other treatments (e.g., monoclonal antibodies and Remdesivir) is still a challenge. Once again, we urge the Administration to establish a separate process for long term care pharmacies to order all COVID treatments directly, so that nursing homes and assisted living communities have a streamlined process for quickly accessing them. Not only can these measures save precious lives, but also reduce the burden on our nation's health care system by preventing unnecessary hospitalizations.

If we have learned anything over the past two years, it is that the elderly are among the most vulnerable to this virus, and therefore, deserve the greatest support and highest prioritization. Our caregivers have worked tirelessly day after day to protect and provide for their residents, and they need steady access to resources during this pandemic and moving forward. AHCA/NCAL appreciates the support and assistance HHS has provided to-date, and we look forward to continuing to work together to ensure our nation's seniors receive the care and protection they deserve.

Sincerely,

//s//

Mark Parkinson  
President and CEO

**cc: Sean McCluskie, Chief of Staff**