



February 25, 2021

Honorable Timothy L. DeFoor, Auditor General
Department of Auditor General
Room 229, Finance Building
Harrisburg, PA 17120-0018

Dear Auditor General DeFoor:

We are writing today to request that your office undertake an examination of the Pennsylvania Department of Health (DOH) and the Department of Human Services (DHS) to review their policies, staffing and handling of the COVID-19 pandemic as it relates to long-term care facilities.

We are truly concerned that the guidance and actions of the DOH and DHS have played a role in increasing COVID-19 infections and deaths in Pennsylvania's long-term care living facilities, such as nursing homes, personal care homes, and assisted living communities. The DOH and DHS have a duty and responsibility to protect our most vulnerable citizens - older adults – from the COVID-19 pandemic. The high death toll in our long-term care living facilities is alarming and reflects a disastrous policy resulting in nearly 70% of all deaths in this Commonwealth occurring in elder care facilities early on, a higher proportion than in most other states.

From the very beginning, the DOH and DHS, in conjunction with Governor Wolf, set the state on a course for nursing facilities becoming the epicenter for the virus by not making personal protective equipment (PPE) and widespread testing a priority in these facilities. Unfortunately, it wasn't until April 27th that the DOH issued updated guidance on distribution of PPE and made congregate care settings like long-term care living facilities a priority, and May 12th when they announced that all nursing home residents and staff would be tested.

To make matters worse, the DOH implemented a policy on March 18th (Interim Guidance for Nursing Facilities during COVID-19), which required nursing facilities to continue to accept new admissions and receive admissions for current residents who have been discharged from the hospital who are stable to alleviate the increasing burden in the acute care setting. The guidance provided that it may include stable patients who have had the COVID-19 virus. Again, the department didn't revise this guidance until May 12th to require a resident who is being discharged from a hospital to a nursing home, personal care home, or assisted living facility be tested for COVID-19, if they were not hospitalized due to the virus. It also included a new section around cohorting residents to prevent the spread of the virus, if applicable.

In May, the DOH published data on COVID-19 cases and deaths in specific facilities throughout the state. However, the data they posted had significant inaccuracies, inconsistencies and incorrect information. In some instances, the number of resident cases exceeded the number of residents in a facility. In a rush to publish this information, the department allowed inaccurate information about nursing homes to be posted on their publicly accessible website causing concern, confusion, and fear among nursing home residents, staff and family members with loved ones in these facilities.

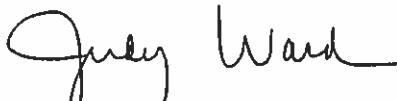
These events raise a concern with lack of transparency and willingness to work with the nursing home industry during these unprecedented times.

We urge you to review the actions of the DOH and DHS and their policies on these elder care facilities. In addition, we ask you to make any recommendations for how these state agencies can improve their current operations and help prevent the loss of so many older Pennsylvanians lives in the future. We believe it is appropriate for you to consider what role state government played in the tragic death of so many seniors at these facilities, which were operating under emergency direction and guidance from these departments during this pandemic.

We need to ensure that the residents and staff of our long-term care facilities are protected and not subject to any further harm. In addition, the families whose loved ones died deserve such a review.

Thank you for your consideration and attention to this request.

Sincerely,


Judy Ward


John Yudichak

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