

Congress of the United States
Washington, DC 20510

February 10, 2021

The Honorable Charles Schumer
Senate Majority Leader
United States Senate
S-221 U.S. Capitol
Washington, D.C. 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
S-230 U.S. Capitol
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232 U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
House Minority Leader
U.S. House of Representatives
H-204 U.S. Capitol
Washington, D.C. 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McCarthy

We urge you to prioritize improving data reporting requirements for assisted living facilities, residential behavioral health facilities, and other congregate care settings in future coronavirus relief efforts. Specifically, we urge you to consider including provisions of our *Assisted Living Facility Coronavirus Reporting Act* in upcoming legislative packages.¹

Since the coronavirus crisis began ravaging our country, congregate care facilities have emerged as epicenters of the pandemic. In July 2020, we released a staff report warning about the dangerously high rates of coronavirus infections, hospitalizations, and fatalities in assisted living facilities.² In December 2020, we released findings from a survey of residential behavioral health facilities that underscored the need for “enhanced federal data collection requirements for behavioral health providers that receive federal funding, including regular reporting of data on COVID-19 testing and cases for both patients and staff.”³

The Centers for Disease Control and Prevention notes that residents and workers in congregate care facilities may face particular challenges with social distancing to prevent the spread of

¹ S. 4184/H.R. 7463 (116th Congress).

² Senator Elizabeth Warren, Senator Edward J. Markey, Chairwoman Carolyn Maloney, “Staff Report: COVID-19 in Assisted Living Facilities,” July 2020,
<https://www.warren.senate.gov/imo/media/doc/Assisted%20Living%20Facilities%20Staff%20Report.pdf>.

³ Senator Elizabeth Warren, Chairwoman Carolyn Maloney, Representative Katie Porter, “COVID-19 in Behavioral Health & Addiction Treatment Programs, November 2020,
<https://www.warren.senate.gov/imo/media/doc/Behavioral%20Health%20Facilities%20COVID19%20Report%2011.30.20%20final.pdf>.

coronavirus because residents “often gather together closely for social, leisure, and recreational activities, shared dining, and/or use of shared equipment.”⁴

Despite the vulnerabilities that all congregate care facilities share, different types of facilities are subject to different data reporting requirements. For example, nursing homes and skilled nursing facilities are regulated by the Centers for Medicare and Medicaid Services and required to report specific information to the federal government on coronavirus cases and related data.⁵ Yet, assisted living facilities, which also serve clinically vulnerable populations, are subject to very limited federal coronavirus data reporting requirements—despite the fact that assisted living facilities are eligible for grants through the Provider Relief Fund.⁶

Nursing facilities, assisted living facilities, residential behavioral health facilities, and other congregate settings provide critical health services, and the federal government should continue to provide the resources necessary to keep their residents and staff safe during the coronavirus pandemic. Congress must also expand data reporting for congregate settings—beyond nursing homes and skilled nursing facilities—so the federal government can be better informed in its efforts to combat the coronavirus pandemic.

Ensuring that congregate facilities—particularly those that receive federal funds—are required to report data on coronavirus testing, hospitalizations, vaccinations, and deaths will make it easier for health officials to track outbreaks. Our *Assisted Living Facility Coronavirus Reporting Act*, which would establish basic data reporting standards for assisted living facilities, offers a legislative framework for these requirements.

We strongly encourage you to prioritize strengthening data reporting requirements for congregate facilities in future coronavirus relief efforts and stand ready to work with you on this critical issue.

Sincerely,

/s/
Elizabeth Warren
United States Senator

/s/
Carolyn B. Maloney
Chairwoman
House Committee on Oversight and Reform

⁴ Centers for Disease Control and Prevention, “COVID-19 Guidance for Shared or Congregate Housing,” updated December 31, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/shared-congregate-house/guidance-shared-congregate-housing.html>.

⁵ Centers for Medicare and Medicaid Services, “Trump Administration Strengthens COVID-19 Surveillance with New Reporting and Testing Requirements for Nursing Homes, Other Providers,” August 25, 2020, <https://www.cms.gov/newsroom/press-releases/trump-administration-strengthens-covid-19-surveillance-new-reporting-and-testing-requirements>.

⁶ Department of Health and Human Services, “Trump Administration Announces Provider Relief Fund Application for Assisted Living Facilities,” September 1, 2020, <https://www.hhs.gov/about/news/2020/09/01/trump-administration-announces-provider-relief-fund-application-for-assisted-living-facilities.html>.

_____/s/

Katie Porter
Member of Congress