

# United States Senate

COMMITTEE ON VETERANS' AFFAIRS  
WASHINGTON, DC 20510

August 24, 2020

The Honorable Robert Wilkie  
Secretary of Veterans Affairs  
810 Vermont Ave, NW  
Washington, DC 20420

Dear Secretary Wilkie,

We commend the VA for its success in limiting exposure and spread of the coronavirus within its own long-term care facilities and providing crucial support to non-VA long-term care facilities and nursing homes thus far. Throughout the COVID-19 pandemic, nursing homes and long-term care facilities have emerged as one of the most vulnerable settings for outbreaks. Residents of these facilities, who are often elderly and have co-morbidities, are at higher risk for serious illness and death from the virus. We are committed to working with you to ensure that veterans and the staff dedicated to their care are protected and have access to key resources during the pandemic.

Annually, more than 105,000 veterans receive long-term care from, or paid for by, the Department of Veterans Affairs (VA), according to the latest data available and published by the Government Accountability Office.<sup>1</sup> Veteran long-term care can take place in one of three institutional settings: VA-run Community Living Centers (CLCs), state-run State Veterans Homes, or privately-run Community Nursing Homes. State Veterans Homes care for the largest proportion of veterans, followed by Community Nursing Homes, and then VA CLCs. Given the high number of veterans who receive care outside of the VA, the Department must make certain veterans in non-VA long-term care facilities and the staff who care for them receive proper support.

While VA has not released data on COVID-19 cases in its long-term care facilities thus far, a July 2020 study from the Kaiser Family Foundation shows that coronavirus cases in long-term care facilities nationwide continue to rise.<sup>2</sup> Long-term care facility cases in 23 hotspot states rose by 18 percent over the first two weeks of July, with some states reporting almost 50 percent case increases. We ask for the Department to explore and implement the below approaches for supporting veterans living within and beyond VA walls, as the U.S. continues to experience heightened COVID-19 case numbers.<sup>3</sup> Some of these are based on a five-point plan from AARP,<sup>4</sup> but tailored to the Department and the veterans it serves.

**Testing Support:** Access to diagnostic testing is a crucial component for monitoring resident and staff health during the pandemic, and allowing facilities to isolate affected individuals before an outbreak

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<sup>1</sup> Government Accountability Office (Feb 2020). "VA Health Care: Veterans' Use of Long-Term Care Is Increasing, and VA Faces Challenges in Meeting the Demand (GAO-20-284)."

<sup>2</sup> Kaiser Family Foundation (July 2020). "Rising Cases in Long-term Care Facilities Are Cause for Concern." Available at: <https://www.kff.org/coronavirus-covid-19/issue-brief/rising-cases-in-long-term-care-facilities-are-cause-for-concern/>

<sup>3</sup> U.S. Centers for Disease Control and Prevention. "COVID-19: Cases in the U.S." Available at: <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>

<sup>4</sup> AARP (June 2020). Testimony as provided to the U.S. House of Representatives Ways and Means, Health Subcommittee hearing on "Examining the COVID-19 Nursing Home Crisis."

occurs. VA has not conducted wide scale testing of its CLC residents and staff since April this year. Testing should be conducted consistent with U.S. Centers for Medicare & Medicaid Services (CMS) rules and guidance for nursing homes, including weekly testing of staff.<sup>5</sup> In addition, it is likely that many State Veterans Homes could use VA support in order to comply with these new CMS testing requirements. We also ask VA continue to conduct testing outreach and support to all State Veterans Homes and any Community Nursing Home where VA pays for veteran care.

**State Veterans Home Spot Checks:** As a key payer of veteran care in State Veterans Homes, VA has the responsibility to conduct oversight on the quality of veterans' care. VA has the authority to conduct regular, unannounced surveys of State Veterans Homes to monitor infection control, COVID-19 testing and PPE status, staffing levels, and more.<sup>6</sup> VA inspectors are empowered to note any threats to resident or staff safety to the local VA Medical Center, VA Central Office, and the State official who oversees state home operations.<sup>7</sup> We ask that the VA fully exercise this important oversight function.

**Nursing Home Support Teams:** The Kaiser Family Foundation found that as of June 28, 2020, nearly 1 in 3 nursing homes are reporting a staffing shortage, PPE shortage, or both. In some states, the National Guard has been deployed to nursing homes, including State Veterans Homes, to assist staff and residents. We are encouraged by the VA's use of "strike teams" or "support teams" to State Veterans Homes or Community Nursing Homes housing veterans, similar to what CMS is doing to assist vulnerable nursing homes. These support teams provide a valuable service by looking for any deficiencies in infection control and training staff on best practices for COVID-19 infection prevention, mitigation, and response. VA support teams also provide PPE where needed and train staff on proper PPE usage. We ask that the Department boost the use of these teams where necessary to ensure the safety of veterans and staff.

**Nursing Home Concerns Hotline:** Residents of long-term care facilities are at high risk of contracting COVID-19, and there is less oversight of nursing home care than in pre-pandemic times due to visitor restrictions. Having an avenue for veterans, their loved ones, or staff to "sound the alarm" about potential safety concerns or outbreaks could be a life-saving oversight tool for VA. We ask for the VA to consider a hotline to triage concerns from residents, their family members, or staff at VA Community Living Centers, State Veterans Homes, or Community Nursing Homes caring for veterans. Individuals could call to report suspected outbreaks, lack of access to PPE or testing, or other mishandling of COVID-19 in long-term care facilities where VA provides or pays for veteran care. This would allow VA to follow-up on each concern, and either provide direct intervention, or inform the appropriate State or other relevant oversight body for investigation and remediation, including the State Long-Term Care Ombudsman.

**Virtual Visitation for Nursing Home Residents:** With nursing homes cutting visiting opportunities during the pandemic to limit virus exposure for residents and staff, veterans must have other means of keeping in touch with their loved ones to support their physical and emotional health. AARP has advocated for virtual visitation opportunities at nursing homes, which are essential as both a safety measure for residents and their families, and to protect against social isolation. We request that you explore methods to provide technology and equipment needed for implementing virtual visitation at

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<sup>5</sup> Centers for Medicare & Medicaid Services (July 2020). "Trump Administration Announces New Resources to Protect Nursing Home Residents Against COVID-19." Available at: <https://www.cms.gov/newsroom/press-releases/trump-administration-announces-new-resources-protect-nursing-home-residents-against-covid-19>

<sup>6</sup> 38 CFR § 51.31

<sup>7</sup> 38 CFR § 51.31c

the CLCs, and consider providing assistance to State Veterans Homes and Community Nursing Homes serving a high percentage of veterans to support virtual visits.

We request a briefing for our staff to occur within 60 days of receipt of this letter to provide an update on progress made towards these recommendations and any support needed from Congress. As the COVID-19 pandemic stretches on, and with flu season ahead, VA must continue to take action to protect the health and lives of veterans and staff in long-term care facilities. Thank you for your commitment to serving our nation's veterans and we look forward to your partnership on implementing these initiatives.

Sincerely,



Jon Tester  
Ranking Member  
Senate Committee on Veterans' Affairs



Jerry Moran  
Chairman  
Senate Committee on Veterans' Affairs