

United States Senate

WASHINGTON, DC 20510

October 2, 2020

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

Dear Secretary Wilkie,

A startling number of our nation's COVID-19 deaths – about 40 percent – are linked to nursing homes. In August, Senate Committee on Veterans' Affairs leadership called to your attention the grave risks facing veterans and staff in long-term care facilities during this pandemic. As the nation's largest integrated health care system, the Department of Veterans Affairs (VA) should commit to taking a more proactive role in protecting the health and lives of all veterans in nursing homes, especially those who reside in State Veterans Homes.

In particular, VA needs to step up its monitoring and support of State Veterans Homes, the most common long-term care facility for veterans. These nursing homes have been the site of many deadly outbreaks during the COVID-19 pandemic. While operated by the states, VA has legal authority from the CARES Act to provide personal protective equipment (PPE), supplies, and assistance to State Veterans Homes, and should play an active role in supporting those facilities for the sake of veterans who rely on them for care. VA also has a duty to oversee the quality of care at State Veterans Homes. A July 2019 Government Accountability Office (GAO) report (GAO-19-428) noted shortcomings in how the Department uses contractors to conduct inspections, monitors quality, and mitigates deficiencies found at State Veterans Homes.

We have known for months now that State Veterans Homes are particularly vulnerable to COVID-19, often lacking the infection control expertise, staffing, and PPE to appropriately respond to this deadly virus. The mixing of COVID-positive and healthy veterans has been a known risk factor since the early days of the pandemic, with the most glaring example being the Holyoke Soldiers' Home in Massachusetts, where unspeakable negligence in March led to the deaths of 76 veterans to-date. Just last week, two former leaders of the Holyoke home were indicted on charges of criminal neglect and serious bodily injury resulting from the outbreak.

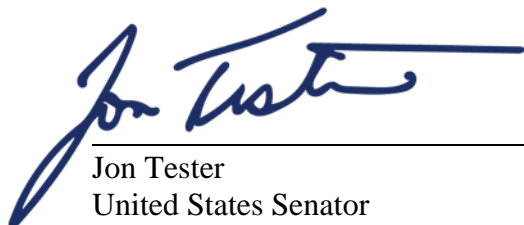
Instead of learning from this experience and stepping up its oversight role to assist State Veterans Homes in need, the Department has taken a reactive approach. It took a formal letter from Senator Schatz for VA to send a team of health experts to help contain a COVID-19 outbreak at the Yukio Okutsu State Veterans Home in Hilo, Hawaii this September. A report by the VA support team found numerous issues compromising health and safety at the Hilo facility, including residents not being separated based on COVID status and staff "floating" between residence halls. Senator Hirono also raised important questions in her September 25 letter about

how frequently VA is inspecting State Veterans Homes, monitoring the performance of contractors, and ensuring compliance with VA inspection recommendations. Months after Holyoke, the Department has yet to systematically survey the pervasiveness of infection control and veteran safety issues at State Veterans Homes, who are in receipt of millions of federal funds each year for infrastructure and care.

The August 24 letter from Ranking Member Tester and Chairman Moran contained a variety of recommendations for the Department to improve COVID-19 oversight and support, such as conducting “spot checks” to monitor State Veterans Homes’ COVID-19 response and to provide assistance through VA nursing home support teams. With the flu season upon us, we ask you to re-visit the recommendations from the August 24 letter and to develop a comprehensive strategy for proactively responding to the COVID-19 crisis in long-term care facilities serving veterans, most importantly the State Veterans Homes.

Veterans and their families should be able to count on the Department to monitor the quality of care at State Veterans Homes, especially during this deadly pandemic when residents are most vulnerable. We ask that you take swift action to assess the needs of State Veterans Homes and work with the states to provide assistance to keep veterans and staff safe during the COVID-19 pandemic and beyond.


Sincerely,



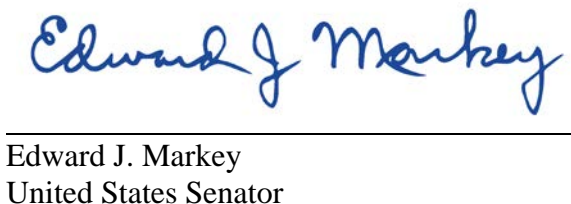
Jon Tester
United States Senator



Elizabeth Warren
United States Senator



Brian Schatz
United States Senator



Edward J. Markey
United States Senator



Mazie K. Hirono
United States Senator