

# Left in the Dark:

## The impact of the 2021 Texas Blackout on Long-Term Care Residents and the Need to Improve Emergency Preparedness

AN INVESTIGATION BY THE MAJORITY STAFFS  
OF THE U.S. SENATE FINANCE COMMITTEE AND U.S.  
SENATE SPECIAL COMMITTEE ON AGING

*Left in the Dark* is an investigative report released by Senate Finance Committee Chair Ron Wyden and Senate Special Committee on Aging Chair Bob Casey that tells the story of older adults and people with disabilities living in long-term care facilities affected by extreme weather events, which are becoming more frequent due to climate change.

Extreme weather and other disasters can affect long-term care residents directly—tornadoes tearing off roofs, wildfires degrading air quality, floods forcing hurried evacuations. They also can affect facilities indirectly, such as when a winter storm interrupted electricity and water services for millions of Texans in February 2021.

The number of people in the United States over the age of 65 is projected to reach 80 million by 2040, more than double the number in 2000. As the nation ages and demand for long-term care grows, we must ensure nursing homes are delivering quality care and protecting residents when disaster strikes.

### Key Findings

- ***Texas Blackout Took a Severe Toll on on Long-Term Care Residents:*** Half of the 1,200 federally certified nursing homes in Texas reported incidents such as power loss, water loss, or evacuation, during the 2021 blackout. More than 1,400 nursing home residents were evacuated, and at least two assisted living residents died. The Texas Long-Term Care Ombudsman described the blackout as the worst disaster she has experienced in her career.
- ***Extreme Weather Emergencies Extend Beyond Texas:*** Since 2018, wildfires, tornadoes, floods and other extreme weather events resulted in evacuations, building damage, resident injuries and deaths at nursing homes and assisted living facilities in at least 17 states.
- ***Power Outages are on the Rise:*** The Texas blackout is an example of larger, more frequent, and longer lasting power outages caused by the growing incidence of extreme weather.
- ***Backup Power is Still Not Required:*** Despite more frequent power outages, federal regulations do not require nursing homes to have backup power in case electricity goes out. Most states do not require assisted living facilities to maintain backup power.
- ***Staffing Shortages Hinder Emergency Preparedness:*** Understaffing at nursing homes and the inspection agencies that oversee them is contributing to inadequate emergency preparedness, according to independent watchdog reports.

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## Recommendations

Based on the findings of this report, the Committees issued eight recommendations:

**1. *Improve Inclusivity of Disaster Planning, Preparedness and Management in Communities:***

Federal, state and local governments should ensure older adults, people with disabilities and residents of long-term care facilities are substantially involved in emergency planning, response, mitigation, management, and recovery. Congress should pass the Real Emergency Access for Aging and Disability Inclusion (REAADI) for Disasters Act.

**2. *Improve Staffing—Nursing Home Inspectors:***

Congress should increase funding to CMS for survey and certification activities to ensure that nursing homes comply with federal quality and safety requirements, including emergency preparedness rules. States should ensure their survey agencies, which oversee federally certified health care providers, are able to offer competitive wages to recruit and retain inspectors.

**3. *Improve Staffing—Nursing Homes:***

CMS should issue mandatory minimum staffing standards for Skilled Nursing Facilities and Nursing Facilities. Congress should pass provisions in the Nursing Home Improvement and Accountability Act of 2021 to improve staffing, such as additional federal resources through Medicaid to increase worker wages.

**4. *Increase the Transparency of Emergency Plans:***

CMS should consider requiring nursing homes to provide residents and their families with copies of the facility's emergency preparedness plan. CMS should also

consider posting emergency plans on Care Compare to make them easily accessible.

**5. *Incorporate Climate Change Risks into Emergency Preparedness:***

CMS should consider requiring nursing homes to incorporate climate change risks, such as the increasing incidence of extreme weather events, into emergency preparedness planning.

**6. *Incorporate Renewable Energy into Emergency Preparedness:***

CMS and states should ensure emergency power requirements allow nursing homes to use clean energy resources. CMS should notify nursing homes of funding available through the Inflation Reduction Act, and other federal programs, to reduce costs of clean energy installation.

**7. *Ensure Equitable Emergency Preparedness:***

CMS should study the equity of emergency preparedness in and among nursing homes, examining factors including payer mix, racial and ethnic makeup, climate change risks, and the community's social vulnerability index. CMS should use the study to evaluate ways to improve emergency preparedness for people of color, people living in poverty, and people with disabilities who live in nursing homes.

**8. *Emergency Power for Long-Term Care:***

CMS should adopt additional requirements to specifically require that emergency power capacity be capable of maintaining the safe and comfortable temperature standard. States should consider similar emergency power requirements for assisted living facilities, and other residential settings that cater to older adults and people with disabilities, that are not subject to federal regulation.



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