

# United States Senate

WASHINGTON, DC 20510-6200

September 10, 2021

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

We write today to urge you to take additional steps to provide the public with more usable and accessible information on the rate of COVID-19 vaccinations among residents and workers in our Nation's nursing homes. We commend the Biden Administration's decision to begin collecting and reporting data from nursing homes regarding vaccination rates at individual facilities, steps taken following concerns we raised on a bipartisan basis in March. We believe more needs to be done, however, to make these transparency measures useful to patients and their loved ones, particularly given the recent surge in COVID-19 cases across the United States and the wide variation in vaccination rates among nursing home residents and workers throughout our Nation.

Nursing homes and other long-term care facilities were the epicenter of the COVID-19 pandemic during 2020 and early 2021. A recent analysis by the Centers for Medicare & Medicaid Services (CMS) found that during the last 10 months of 2020, "nursing home residents account for about 2% of the Medicare population, but about 22% of all COVID-19 cases," and that "nursing home residents were 14 times more likely to be diagnosed with COVID-19 compared to beneficiaries in the community." The CMS analysis further found that "Hispanic, Black/African American, and Asian beneficiaries in nursing homes had the highest COVID-19 case rates," and the "highest risk of COVID-19 hospitalization."<sup>1</sup> The Administration's efforts to vaccinate residents and workers drastically cut the number of COVID-19 infections and associated deaths occurring in long-term care facilities, but the pandemic's toll on in these care settings has been staggering nonetheless. At least 186,000 residents and workers of long-term care facilities have died of COVID-19 since the beginning of the pandemic, accounting for nearly 30 percent of COVID-19 deaths.<sup>2</sup>

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<sup>1</sup> "The Impact of COVID-19 on Medicare Beneficiaries in Nursing Homes," Centers for Medicare & Medicaid Services (August 24, 2021), <https://www.cms.gov/files/document/medicare-covid-19-nursing-home-analysis.pdf>

<sup>2</sup> AARP, "Nursing Home Dashboard," August 12, 2021, <https://www.aarp.org/ppi/issues/caregiving/info-2020/nursing-home-covid-dashboard.html>.

Amplifying the need to address this issue is the highly contagious delta variant. The new strain has sent COVID-19 infections soaring, particularly in states with lower vaccination rates, leaving us concerned that the risk of infection to nursing home residents and workers is growing. The *Associated Press* noted in July that “lagging vaccination rates among nursing home staff are being linked to a national increase in COVID-19 infections and deaths at senior facilities.”<sup>3</sup> There were more than 25,000 COVID-19 cases among nursing home workers during the first four weeks of August, the highest levels since February 2021, according to data reported to the Centers for Disease and Control Prevention (CDC).<sup>4</sup> Resident infections have similarly increased, with federally-certified nursing homes reporting more than 16,000 infections through the first four weeks of August, the highest total since February 2021, although infection levels still remain a fraction of the more than 130,000 infections that were reported in December 2020.<sup>5</sup>

Today, vaccination rates among residents and workers range widely from state to state, community to community and facility to facility. For example, while the national rate of nursing home staff vaccination was 61 percent for the week ending August 22, there were 2,050 nursing homes reporting staff vaccination rates below 40 percent and almost 2,900 nursing homes reporting staff vaccination rates above 80 percent.<sup>6</sup> On a state/territory level, staff vaccinations range from as low as 47 percent to 92 percent; while there is less variation among resident vaccination rates, there is still a wide range, from as low as 66 percent up to 96 percent.<sup>7</sup> Furthermore, data for the week ending August 22, show that more than 600 nursing homes—equal to one in 25 nationally—either report no staff being vaccinated (118), no residents being vaccinated (127), or do not have a value assigned for staff or resident vaccinations, raising concerns that not all nursing homes are reporting vaccination data to CMS on a weekly basis.<sup>8</sup>

In response to low vaccination rates among nursing home workers, President Biden recently announced that nursing homes participating in the Medicare and Medicaid programs will be required to have their workers fully vaccinated.<sup>9</sup> The nursing home vaccination requirement announced by President Biden follows similar requirements implemented by a growing number of states and provider, though such a requirement will take time to fully implement.<sup>10</sup> This week, the Biden Administration announced plans to require all health care providers participating in the Medicare and Medicaid programs to have their workers vaccinated against COVID-19.<sup>11</sup>

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<sup>3</sup> Jason Dearen and Ricardo Alonso-Zaldivar, “Unvaccinated staff eyed in rising nursing home cases, deaths,” *Associated Press* (July 21, 2021), <https://apnews.com/article/business-health-government-and-politics-coronavirus-pandemic-3f4435167823b02812adfb668ae32bb0>.

<sup>4</sup> Centers for Disease Control and Prevention, “Confirmed COVID-19 Cases and Deaths among Staff and Rate per 1,000 Resident-Weeks in Nursing Homes, by Week - United States,” <https://covid.cdc.gov/covid-data-tracker/#nursing-home-staff>.

<sup>5</sup> “Confirmed COVID-19 Cases and Deaths among Residents and Rate per 1,000 Resident-Weeks in Nursing Homes, by Week - United States,” <https://covid.cdc.gov/covid-data-tracker/#nursing-home-residents>.

<sup>6</sup> *Id.* Findings based on a staff analysis of CMS data in the table entitled “Listing of vaccination rates for individual nursing homes.”

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Press Release, “Biden-Harris Administration Takes Additional Action to Protect America’s Nursing Home Residents from COVID-19,” Centers for Medicare & Medicaid Services (August 18, 2021), <https://www.cms.gov/newsroom/press-releases/biden-harris-administration-takes-additional-action-protect-americas-nursing-home-residents-covid-19>.

<sup>10</sup> Tony Pugh, “Medicare to Move Cautiously on Nursing Home Vaccine Penalties,” *Bloomberg Law* (August 25, 2021), <https://news.bloomberglaw.com/health-law-and-business/medicare-to-move-cautiously-on-nursing-home-vaccine-penalties>.

<sup>11</sup> Zeke Miller, “Sweeping new vaccine mandates for 100 million Americans,” *Associated Press* (September 9, 2021), <https://apnews.com/article/joe-biden-business-health-coronavirus-pandemic-executive-branch-18fb12993f05be13bf760946a6fb89be>.

We expect vaccination rates at nursing homes to vary widely for months to come, making the availability of timely, accessible and accurate information to consumers about COVID-19 vaccination rates all the more important. In a recent briefing, CMS staff indicated that the agency is working toward including COVID-19 vaccination data on Care Compare, an important step that we encourage the agency to expedite in light of the emergence of COVID-19 variants that pose ongoing threats. The surge of the delta variant, increasing case rates in nursing homes, and concerns about future COVID-19 variants demonstrate why it is critical that residents and their families have nursing home vaccination data available at their fingertips when making decisions about their care. At present, these data reside on entirely separate CMS and CDC websites—sources likely unknown to the average health care consumer<sup>12</sup>—making it difficult for a Medicare or Medicaid beneficiary to access facility-level vaccination information. Even if a person could find these websites, the vaccination data for individual facilities are not prominently displayed, creating additional barriers to find and use these critical data.<sup>13</sup>

We further request that CMS continue building on its efforts to increase transparency regarding the rate of vaccinations among residents and workers at nursing homes. In so doing, the agency should ensure that the average Medicare or Medicaid beneficiary, their families and workers are able to easily access facility-level data on Care Compare. As the Federal Data Strategy notes, it is important to “design new data collections with the end uses and users in mind ... promote wide access ... [and] diversify data access methods,” to ensure that cooperating agencies, researcher, press outlets and the public can use the data the Federal government is collecting. Lastly, we ask that CMS continue to keep our offices updated on future changes to increase accessibility for the public regarding COVID-19’s impact on nursing homes, including progress toward tracking and reporting booster shots.

Thank you for your continued attention to this important issue.

Sincerely,



Ron Wyden  
Chairman  
Committee on Finance



Robert P. Casey, Jr.  
Chairman  
Special Committee on Aging

Cc: The Honorable Xavier Becerra, Secretary, U.S. Department of Health and Human Services  
Dr. Rochelle Walensky, Director, Centers for Disease Control and Prevention

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<sup>12</sup> *Supra*, at note 6. See also Centers for Disease Control and Prevention, “Nursing Home COVID-19 Vaccination Data Dashboard,” accessed on September 3, 2021, <https://www.cdc.gov/nhsn/covid19/ltc-vaccination-dashboard.html>.

<sup>13</sup> “How to Find COVID-19 Vaccination Rates in Nursing Homes,” video, The National Consumer Voice for Quality Long-Term Care (August 19, 2021), <https://theconsumervoice.org/news/detail/latest/how-to-find-vaccination-rates-in-nursing-homes>