

Congress of the United States

Washington, DC 20515

November 17, 2020

The Honorable Alex Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

Dear Secretary Azar:

We write to express our concern regarding a recent round of funding under the Provider Relief Fund for nursing facilities and long-term care facilities (LTCFs) and the lack of support received by LTCFs in New Hampshire. We urge you to ensure that future rounds of nursing facility-focused grants from the Provider Relief Fund prioritize nursing homes and LTCFs in states that have a high share of overall COVID-19 deaths and cases that are attributable to nursing facility residents, while also incorporating factors such as the ratio of nursing facility resident deaths in the state to total nursing facility residents in the state.

On October 28, 2020, the Department of Health and Human Services (HHS) announced \$333 million in grants to over 10,000 nursing homes in the United States. The new round of grants came on top of two previous nursing facility-focused grant rounds of approximately \$4.9 billion and \$2.5 billion.¹ This new \$333 million grant round provided funds based on the nursing homes' demonstration of "significant reductions in COVID-19 related infections and deaths between August and September."² According to information posted by HHS, the performance-based payment structure from this \$333 million grant round "will reward nursing homes for keeping new COVID-19 infection and mortality rates among residents lower than the communities they serve, as analyzed against CDC data."³

While we believe that it is important to reward quality improvement and performance on infection control in nursing homes, the current formula disadvantages nursing homes in states that have more effectively contained COVID-19 spread in the community but simultaneously have issues with COVID-19 infections and mortality in LTCFs. This disadvantage is particularly acute for New Hampshire. In total, 66 nursing facilities in New Hampshire received \$324,014 in funding from this performance-based payment round, at an average of approximately \$4,909 per facility. That \$4,909 per-facility payment ranks third-lowest in the country, behind only Maine and Vermont. This low payment level comes despite the fact that approximately 82 percent⁴ of

¹ Department of Health and Human Services, "CARES Act Provider Relief Fund: General Information," Available at: <https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/general-information/index.html#targeted>

² Department of Health and Human Services, "Trump Administration Distributes Incentive Payments to Nursing Homes Curbing COVID-19 Deaths and Infections," HHS Press Release, October 28, 2020. Available at: <https://www.hhs.gov/about/news/2020/10/28/trump-administration-distributes-incentive-payments-to-nursing-homes-curbing-covid-19-deaths-and-infections.html#:~:text=Under%20the%20leadership%20of%20President,to%20over%2010%2C000%20nursing%20homes.>

³ *Id.*

⁴ Kaiser Family Foundation, "COVID-19: Metrics by State—Long Term Care Facilities," November 6, 2020. Available at: <https://www.kff.org/health-costs/issue-brief/state-data-and-policy-actions-to-address-coronavirus/#long-term-care-cases-deaths>


New Hampshire's COVID-19 deaths come from nursing facility residents, the highest rate in the country. By comparison, the nationwide average per-facility payment from this grant round was \$24,777, more than five times as much as New Hampshire facilities received.

Not coincidentally, according to the Kaiser Family Foundation, New Hampshire, Maine and Vermont also have three of the lowest per capita COVID-19 infection rates in the country, ranking fourth-lowest, third-lowest and lowest, respectively. The fact that there is a lower level of COVID-19 spread in the community in New Hampshire does not mean that Granite State nursing facilities do not need support. On the contrary, the fact that 82 percent of the COVID-19 deaths in the state come from nursing home residents shows that New Hampshire facilities need more help than ever. That is why incorporating measures of overall community spread of COVID-19 (outside of nursing facilities) into the formula is so damaging for states like New Hampshire.

In addition to the 82 percent share of COVID-19 deaths in the state attributable to nursing facility residents, there are other metrics that demonstrate New Hampshire nursing facilities' need for more support. For instance, according to data from the Centers for Medicare and Medicaid Services, there are 20 states that have a lower level of COVID-19 nursing facility resident deaths per 1,000 nursing facility residents. Yet New Hampshire ranks third-to-last in terms of grant support from this latest round of Provider Relief Fund payments to nursing facilities.

In light of these concerns, we urge you to ensure that future rounds of nursing facility-specific grant funding from the Provider Relief Fund incorporate measures such as the share of the state's total COVID-19 deaths attributable to nursing facility residents, the share of the state's total COVID-19 cases attributable to nursing facility residents and the level of COVID-19 nursing facility resident deaths per 1,000 nursing facility residents in the state. Making these adjustments will ensure that we can more adequately support nursing facilities in New Hampshire and across the country. Thank you for your attention to this matter.

Sincerely,



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Ann McLane Kuster
Member of Congress



Chris Pappas
Member of Congress