

July 29, 2020

Honorable John Cornyn  
517 Hart Senate Office Building  
U.S. Senate  
Washington, DC 20510

Honorable Ted Cruz  
127 Russell Senate Office Building  
U.S. Senate  
Washington, DC 20510

Dear Senator Cornyn and Senator Cruz:

As COVID-19 infections and deaths surge around the country, older adults and the providers who serve them are looking to the federal government for resources and support in dealing with a crisis that will not be subsiding any time soon. LeadingAge Texas represents more than 350 aging services providers and related organizations that support healthy, interconnected aging across the state including nursing homes, assisted living, affordable senior housing, home health, hospice, home and community based services, and other care providers.

On behalf of these mission-driven organizations and the tens of thousands of Texans they serve and employ, we are writing to ask for your leadership in harnessing federal resources to protect our members and older adults across our state.

As negotiations move forward on legislation, we urge you to focus on the [Five Essential Actions](#) to protect older Americans from COVID-19. The only way to stop this slow-motion catastrophe is to provide real relief, which should include:

- Immediate access to ample and appropriate PPE for all providers who serve older Americans.
- On-demand and fully funded access to accurate and rapid-results testing for older adults.
- Funding and support for aging services providers across the continuum of care—in nursing homes, assisted living, affordable housing, hospice, or wherever they call home —some of which must be accomplished through an enhanced FMAP for the Medicaid program.
- An extension of current telehealth flexibilities and reimbursement for home health agencies for telehealth services.
- Recognition for the heroic frontline workers who are risking their own lives serving older people during this crisis.

As you know, Texas was already struggling with a severe and significant direct care workforce shortage before the pandemic. COVID-19 has exacerbated an otherwise bad situation. Acknowledging their heroic roles on the frontlines of this pandemic, providers across the continuum have had to pay premium rates to attract and retain workers. PPE has been another exorbitant expense. Combine these expenses with dramatic losses in revenue due to decreased admissions/referrals for rehab, long-term care, and home health and you have a recipe for disaster. Medicaid providers, in particular, already operate on the thinnest of margins. As losses continue to mount, we are concerned some providers will be forced to close their doors.

LeadingAge Texas requests that this legislation include \$100 Billion to cover costs for PPE, supplies, staffing, treating COVID-19 residents, current and future lost revenue, for all aging services providers nationwide—including those compensated through Medicare, Medicaid and by private payers.

We applaud the provisions of the SAFE TO WORK Act supporting targeted, temporary, and reasonable civil liability protections for businesses and health care providers. Our members are on the front-lines of this pandemic and have been severely challenged in fighting COVID-19 because of inconsistent and changing treatment protocols, conflicting guidance from state, federal and local agencies, a lack of reliable testing, and shortages of personal protective equipment (PPE). Reasonable civil liability protections, as outlined in the SAFE TO WORK Act, will allow senior living providers to continue to serve America's most vulnerable adults without fear of onerous litigation.

COVID-19 has also exacerbated a loneliness epidemic. Along with long-term care, affordable housing providers have made reducing social isolation among residents a high priority. However, affordable housing providers are unfairly disadvantaged in this fight: only 50% of HUD senior housing properties have Resident Services Coordinators (RSCs) and wireless internet access is the exception rather than the norm, particularly in Texas. RSCs are critical service navigators and would love to be able to assist their older adult residents with remote communication with their loved ones. But without funding for building-wide internet installation and service fees, tablets and smartphones are rendered useless. We ask that Congress act to fund \$300 million for Service Coordinators and \$50 million for wireless internet installation and service fees for HUD assisted housing nationwide.

Lastly, it's important to note that Medicare beneficiaries living in community as well as in long-term care settings have benefited greatly from telehealth. The pandemic has demonstrated telehealth's utility to expand access to health care, reduce costs, and improve health outcomes. Aging services providers and the older adults they serve need the flexibility to continue to utilize telehealth as needed. We ask that, at a minimum, the current flexibilities be extended as permanency is considered and that Congress act to ensure home health agencies can be reimbursed for telehealth services.

This next package of legislation must put older adults and the providers who serve them at the front of the line, right alongside hospitals, for life-saving resources like PPE and testing, and it must include funding and support for aging services providers working tirelessly to keep older adults safe.

We are pleased to have been able to speak directly with you (or your policy staff) within the last few weeks to highlight these needs. Attached to this letter is [a letter from LeadingAge](#), our national association headquartered in Washington D.C., detailing exactly what legislative action is needed.

As you and your colleagues in the Senate refine the relief bill, we hope you will take the lead in delivering the emergency federal measures needed to protect millions of older adults in Texas and across the nation from the worst pandemic in a century.

Older lives are not expendable. We are depending on you to lead this urgent effort.

Sincerely,

George Linial, President and CEO, LeadingAge Texas

Attached:  
[LeadingAge Congressional Letter](#)