



July 17, 2020

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

On behalf of almost all of the post-acute long term care providers in the state of Washington, we are reaching out to you for help. We stand behind you in your continued effort to guide Washingtonians through this pandemic, but continue to be disturbed by the lack of transparency and engagement as key decisions impacting our members, residents, and families are considered without appropriate input from the post-acute care sector. Unfortunately, this lack of engagement of subject matter experts will not lead to the best possible outcomes for those who are most vulnerable. As our members continue managing the frontline of this pandemic, we are in close contact with our facilities, staff, and even residents/families being served and we are well prepared to discuss their operational needs and insights as we fashion strategies to overcome the enormous challenges presented by COVID. However, the expertise and experience of our respective associations has not been sought or considered. Instead, we've been left to chase information and, in a few cases, we've made *just in time* recommendations pointing out serious flaws in proposals just prior to finalization.

Unlike the hospital engagement and planning processes, we have not been called upon to help or assist with any of the emergency operational planning for the long term care sector. The recent fiasco with testing, the continual postponement of any sort of visitation allowance for residents and family, the reduction in federal funding specifically provided to support a robust response to this public health emergency that has hit hardest the seniors in congregate settings, and the lack of response or conversation around liability protections are among those issues of top priority for us. We can't help but believe that had we been involved throughout the discussions on "reopening," as an example, we'd have had a plan in place long before now and residents and family would no longer be separated and suffering. We are at the frontline and have expertise, insight, and knowledge to help if you will include us in the conversation and planning.

Recent testing in skilled nursing and assisted living facilities with memory care units was fraught with challenges. Most of these challenges could have been mitigated with better engagement and communication with providers. As plans are developed to continue testing in these settings and expanded to all assisted living facilities and adult family homes, we implore you to engage in meaningful dialogue with those that are asked to carry out the testing to ensure successful receipt and completion of testing. Discussions, decisions, and announcements about testing are being made without involving the very sectors of the long term care continuum directly affected.

In addition to our concerns about testing and retesting, as above noted, we also have concerns about how the visitation issue has been dealt with. Strict visitor restrictions in our settings have been in place now for more than four months. Plans to allow limited, safe visitation have been under consideration since May. It should be noted that efforts to address the visitation issue started with our encouragement to move cautiously forward with some visitation. To date, little progress has been made. The residents and their families, as well as the provider community, are desperate for guidance and action. We have only received a limited opportunity to participate in discussions about these plans. Comments and concerns are taken “behind closed doors” and we are left wondering whether any concerns raised will be incorporated and when we might see either another draft or final guidance. Your Proclamation addressing visitation is again set to expire, this time on August 1. We’ve had no communication about when or if the current restrictions will be modified and shared in advance of a public announcement. Rolling out new changes without meaningful dialogue and input will result in increased confusion, frustration, and even anger for residents, families and long term care providers. We are now two weeks away from the Proclamation expiring. Ensuring a smooth implementation of any new guidance will require at least two weeks for providers to develop and implement policies, train staff, and notify family members of the specific and long overdue visitation procedures.

Our frustration does not end at the failure to include us in a meaningful manner on issues of testing and visitation. On July 1, in the midst of this pandemic, our members received a rate cut. The loss of the pandemic funding previously paid to Medicaid providers is having a direct impact on operations. Staffing is so thin that many providers are paying significant amounts of overtime. PPE costs remain exorbitant. Increased infection control protocols and training strain staff time and resources further. Liability insurance rates are increasing by up to 500% and, more typically, by nearly 40% for most; and this coverage usually excludes COVID claims. These costs must be incurred to protect those most vulnerable to this disease as well as our nursing, environmental, and maintenance staff. Understanding the increased federal match and CARES Act funding are still available to our state, the rate cut to these critical frontline care settings is unconscionable. Rumors and assumptions indicate that these payments may be only partially restored. Rest assured, if funding is not fully restored, we will, in all likelihood, have to shut down visitation and hospitals will be burdened as we will no longer be able to treat in place.

Our members need clarity and action. We must be included in the conversations about any further funding decisions. Our members need immediate answers to plan their staffing patterns and supply purchases. Now is when all providers throughout the state should be purchasing as much PPE as is available to prepare for the Fall and Winter Influenza Type A and the almost certain and prolonged spike in COVID activity.

In addition, in April we wrote to you regarding liability protections for long term care providers. To date, we have not had a meaningful response. The virus’s impact on long term care has been devastating. The everchanging guidance, combined with the lack of communication and engagement on key issues, only exacerbate the risk our providers are experiencing. As above noted, we cannot afford to purchase liability insurance for COVID claim coverage even if a carrier offers coverage. We ask that you issue a proclamation and accord limited civil liability protections for long term care

Governor Jay Inslee

July 17, 2020

Page 3

workers and the organizations that employ them arising from and during the pendency of the State of Emergency established by your Proclamation 20-05 issued on February 29, 2020.

Lastly, while Vice Admiral Bono's portfolio includes long term care in the last month, we have yet to be engaged by her team. Her most recent biweekly communication noted that long term care was in her portfolio, but provided no further information on this most vulnerable sector of our population. Despite multiple requests to volunteer and be part of any long term care discussions, we have yet to receive any outreach or attempts at engagement.

Washington is making every effort to overcome this pandemic. Those efforts must include continued attention to those most vulnerable; more specifically, those residents served in our long term care facilities/communities. Please direct leadership throughout the pandemic response system to meaningfully engage Washington's long term care providers and demonstrate transparency in all aspects of developing and delivering these critical services.

Sincerely,



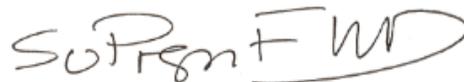
Deb Murphy, MPA, JD
Chief Executive Officer
LeadingAge Washington



Robin Dale, JD
Chief Executive Officer
Washington Health Care Association



John Ficker
Executive Director
Adult Family Home Council



Sabine von Pryss-Friedman, MD, FACP, CMD
President
Washington Society for Post-Acute and Long-Term Care Medicine