

United States Senate

WASHINGTON, DC 20510

December 21, 2020

The Honorable Alex Azar II
Secretary
US Department of Health & Human Services
200 Independence Avenue S.W.
Washington, DC 20201

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
US Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

We write to emphasize the urgent need to provide COVID-19 vaccines to residents and workers in our nation's nursing homes and long-term care facilities. More than 115,000 residents and workers of long-term care facilities in the United States have died of COVID-19 to date, and Federal data show that the pace of COVID-19 infections and deaths in nursing homes is rising rapidly.¹ In the last two weeks alone, roughly 11,000 residents and workers in long-term care facilities succumbed to COVID-19, underscoring the pressing need to swiftly and efficiently administer vaccines in these settings.² While the Trump Administration has suggested that every nursing home resident could be vaccinated against COVID-19 by Christmas, it is evident that many residents and workers may end up waiting weeks or months to receive a vaccine.³ Given the devastating toll that the virus has taken on nursing home residents and workers, it is critical that the U.S. Department of Health and Human Services (HHS) and the Centers for Medicare & Medicaid Services (CMS) provide Congress and the public with regular and transparent updates about the progress of administering vaccines in nursing homes as part of its COVID-19 data collection and reporting.

While vaccinations have begun in states across the nation, more than a dozen states have reported that their allocations for the second week of vaccine shipments are less than they expected—an error acknowledged by the head of Operation Warp Speed.⁴ In the days since the Food and Drug Administration issued an Emergency Use Authorization for the Pfizer-BioNTech COVID-19 vaccine, there has been a growing list of issues, foreseeable and unforeseeable, that appear likely to slow the vaccine distribution timeline. Such issues include the Trump Administration forecasting that vaccine allocations for the week of December 21 will be hundreds of thousands of doses less than the first week's projected allocation,⁵ reports of doses being discarded after

¹ Press Release, "Casey, Wyden Release New Report Showing Nursing Home Rates of Death and Infection are Rising Rapidly," Special Committee on Aging (Dec. 10, 2020), <https://www.aging.senate.gov/press-releases/casey-wyden-release-new-report-showing-nursing-home-rates-of-death-and-infection-are-rising-rapidly>. [Hereinafter, "Casey-Wyden Report"].

² The COVID Tracking Project, "The Long-Term Care COVID Tracker," <https://covidtracking.com/data/long-term-care> (last viewed Dec. 19, 2020).

³ Mark Moore, "HHS head Alex Azar: All nursing home residents could be vaccinated by Christmas," *New York Post* (Dec. 13, 2020), <https://nypost.com/2020/12/13/hhs-head-nursing-home-residents-could-be-vaccinated-by-christmas/>.

⁴ e.g., Giulia McDonnell, "The head of Operation Warp Speed apologizes for shortfalls in vaccine deliveries to at least 14 states," *New York Times* (Dec. 19, 2020), <https://www.nytimes.com/2020/12/19/world/operation-warp-speed-vaccine-delivery-problems.html>; Jim Salter and Ricardo Alonso-Zaldívar, "Some states say Pfizer vaccine allotments cut for next week," *Associated Press* (Dec. 18, 2020), <https://m.apnews.com/article/health-coronavirus-pandemic-coronavirus-vaccine-87da29dc29e51236b90c2be9b023ce0a>; Lisa Baertlein, "From Navajo Nation to New Orleans, challenges arise in vaccine roll out," *Reuters* (Dec. 17, 2020), <https://www.reuters.com/article/us-health-coronavirus-vaccines-temperatu/from-navajo-nation-to-new-orleans-challenges-arise-in-vaccine-roll-out-idUSKBN28R1G5>.

⁵ John Tozzi and Angelica LaVito, "Vaccine Rollout Hits First U.S. Snags With Delays, Allergic Case," *Bloomberg* (Dec. 16, 2020), <https://www.bloomberg.com/news/articles/2020-12-16/first-hiccups-seen-in-u-s-push-to-deliver-covid-19-vaccine>.

arriving at vaccination sites at the wrong temperature,⁶ and potential transportation delays due to a large snowstorm that led hundreds of commercial flights to be cancelled.⁷ Similarly, the governor of Florida this week announced shipping delays for hundreds of thousands of vaccine doses,⁸ while Tennessee is diverting vaccine supplies to a state stockpile, reducing the volume of vaccines available.⁹ Such delays seem likely to slow down the delivery of COVID-19 vaccines to nursing homes and long-term care facilities, which are home to people at the highest risk of severe symptoms, hospitalization or death.

We are also troubled by reports that the Trump Administration's strategy for delivering vaccines to long-term care facilities through contractors has been met with early challenges and delays.¹⁰ The Federal government has contracted with Walgreens and CVS to deliver vaccines to long-term care facilities that choose to have their residents and workers vaccinated through the Pharmacy Partnership for Long-Term Care Program (LTC Partnership).¹¹ While this LTC Partnership was announced in October, reports indicate that the Walgreens and CVS distributions will lag behind other vaccine distributions to health care facilities by at least a week.¹² With tens of thousands of facilities yet to be scheduled, and CVS and Walgreens still staffing up to support this vaccination mission, residents and workers in long-term care facilities may face significant delays in being vaccinated.¹³

We are similarly concerned that the growing number of nursing homes experiencing severe staffing shortages across the nation will only exacerbate the difficulty of administering vaccines in these facilities. A report we issued December 10, 2020, found that one in six nursing homes reported a nursing shortage as of late November. Moreover, there were 21 states in which 25 percent or more of nursing homes reporting shortages among nurses, including 12 states in which 30 percent or more reported nursing shortages.¹⁴ Nursing homes that lack an adequate workforce will be less prepared to accept vaccines; further, as workers return to work after illness or quarantine—or as new workers are hired—nursing homes face the challenge of vaccinating those on

⁶ Jared Hopkins, "Pfizer to Complete First Covid-19 Vaccine Shipments in U.S.," *Wall Street Journal* (Dec. 16, 2020), <https://www.wsj.com/articles/covid-19-vaccine-latest-updates-12-16-2020-11608142583?page=1>.

⁷ Derrick Bryson Taylor, et al., "Hundreds of flights are canceled, and Amtrak modifies service," *New York Times* (Dec. 16, 2020), <https://www.nytimes.com/2020/12/16/us/winter-storm-travel.html>. Commercial airline service is one of the transportation modes by which COVID-19 vaccines are reportedly being shipped.

⁸ Bobby Caina Calvan and Adriana Gomez Licon, "Florida announces delay in delivery of Pfizer vaccine," *Associated Press* (Dec. 15, 2020), <https://apnews.com/article/ron-desantis-florida-coronavirus-pandemic-west-palm-beach-bcc7688e10be599df9c9fbec28ef4731>.

⁹ Kimberlee Kruesi, "As US rushes to give shots, Tennessee builds vaccine reserve," *Associated Press* (Dec. 17, 2020), <https://apnews.com/article/tennessee-us-news-coronavirus-pandemic-coronavirus-vaccine-78a33344dfad99cf5b118c575bc4d93e>

¹⁰ Rebecca Robbins and Jessica Silver-Greenberg, "Vaccination Campaign at Nursing Homes Faces Obstacles and Confusion," *New York Times* (Dec. 16, 2020), <https://www.nytimes.com/2020/12/16/business/covid-coronavirus-vaccine-nursing-homes.html>; Fenit Nirappil and Yasmeen Abutaleb, "Nursing homes face daunting task of getting consent before they give coronavirus vaccines," *Washington Post* (Dec. 20, 2020), https://www.washingtonpost.com/health/nursing-homes-covid-vaccine-consent-delays/2020/12/19/730ecd4a-3fd5-11eb-8bc0-ae155bee4aff_story.html.

¹¹ Press Release, "Trump Administration Partners with CVS and Walgreens to Provide COVID-19 Vaccine to Protect Vulnerable Americans in Long-Term Care Facilities Nationwide," U.S. Department of Health and Human Services (Oct. 16, 2020), <https://www.hhs.gov/about/news/2020/10/16/trump-administration-partners-cvs-walgreens-provide-covid-19-vaccine-protect-vulnerable-americans-long-term-care-facilities-nationwide.html>. [Hereinafter, LTC Partnership Press Release]

¹² *Supra*, note 10.

¹³ As of Dec. 19, 2020, the CVS website displays more than 1,000 jobs related to COVID-19 vaccine distribution, according to a review by Minority staff. *See also*, Elisabeth Buchwald, "Walgreens and CVS are on a hiring spree looking to fill 35,000 jobs for COVID-19 vaccine rollout," *MarketWatch* (Dec. 15, 2020), <https://www.marketwatch.com/story/walgreens-is-looking-to-fill-25-000-positions-to-help-administer-covid-19-vaccine-cvs-has-created-10-000-vaccine-related-roles-11608034827>; Kenneth Gosselin, "CVS Health, Walgreens ramp up hiring for COVID-19 vaccinations with 'Hero Pay,' signing bonuses," *Hartford Courant* (Dec. 16, 2020), <https://www.courant.com/coronavirus/hc-news-coronavirus-cvs-walgreens-hiring-blitz-20201217-iokwanymh5herh2ytxjxqtioqy-story.html>; Jack Money, "CVS, Walgreens aim to add employees at Oklahoma stores as Coronavirus vaccine arrives," *The Oklahoman* (Dec. 17, 2020), <https://oklahoman.com/article/5678476/cvs-walgreens-aim-to-add-employees-at-oklahoma-stores-as-coronavirus-vaccine-arrives>.

¹⁴ The 12 states with nursing shortages in 30 percent or more of their facilities was Georgia, Iowa, Idaho, Kansas, Minnesota, Montana, North Dakota, Nebraska, Oklahoma, Rhode Island, Wisconsin, and Wyoming. *Supra at note 1*, Casey-Wyden Report.

the front lines on a rolling basis. Ensuring that long-term care workers have ready access to the vaccine will be critical to stopping the COVID-19 crisis in our nation's nursing homes.

The weekly nursing home data required and posted by CMS provides families, policymakers and health care experts with timely information about how COVID-19 is affecting nursing home residents and workers. Given the range of issues affecting COVID-19 vaccine delivery to nursing homes and the devastating death toll in these facilities, the collection and dissemination of similar data regarding vaccine distribution is warranted. While CVS and Walgreens are required to provide vaccination data to government health authorities, it is not clear that the Trump Administration has any plan to make nursing home vaccination data available to the public.¹⁵ Additionally, there is little visibility into the vaccination rates and timelines for facilities that choose not to participate in the LTC Partnership, and what—if any—data is being collected at the federal level about vaccinations at these facilities.

Therefore, we urge you to immediately make public the data provided to the Federal government by CVS and Walgreens and begin collecting and posting facility-level data about the number of residents and workers in nursing homes vaccinated outside of the LTC Partnership. By year's end, nursing homes should begin reporting the number of residents and workers who have received COVID-19 vaccines; these data should, in turn, be included in the weekly COVID-19 reports issued by CMS. Going forward, COVID-19 vaccination data should be included in Minimum Data Set reporting requirements and Nursing Home Compare—similar to flu and pneumonia vaccines.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
Ranking Member
Senate Committee on Finance



Robert P. Casey, Jr.
Ranking Member
Special Committee on Aging

cc: Dr. Robert Redfield, Director, Centers for Disease Control and Prevention

¹⁵ LTC Partnership Press Release, *supra* note 10.