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3RD DISTRICT, IOWA

COMMITTEE ON FINANCIAL SERVICES
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AND CAPITAL MARKETS
HOUSING, COMMUNITY DEVELOPMENT
AND INSURANCE

COMMITTEE ON AGRICULTURE
COMMODITY EXCHANGES, ENERGY, AND CREDIT
CONSERVATION AND FORESTRY

Congress of the United States
House of Representatives
Washington, DC 20515

September 24, 2020

Governor Kim Reynolds
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Dear Governor Reynolds,

I am writing to express my deepening concerns about access to COVID-19 testing for Iowans. Last week, the Iowa Department of Public Health State Hygienic Laboratory (SHL) announced they can no longer provide routine testing for nursing staff and employees who work in skilled, nursing, and other long-term care and living facilities. The SHL stated they would not be able to meet the U.S. Department of Health and Human Services' (HHS) standards for testing nurses, staff, and volunteers as a preventative measure against COVID-19. It is unacceptable we are only just learning from your team that there is not enough testing capability to ensure the safety of our most vulnerable populations.

The August 26th Centers for Medicare and Medicaid Services (CMS) interim final rule directed these long-term care facilities test to their residents and their staff in the case of an outbreak, testing anyone with symptoms, perform routine testing, as well as testing those who volunteer or otherwise provide contract work for these living facilities.ⁱ It is deeply concerning that we do not have enough state capacity to test up to these standards for prevention. These testing requirements are meant to detect COVID-19 at the soonest possible moment to protect older Iowans. We are more than six months into this global health crisis, and yet these basic preventative requirements are still not able to be met.

We already know the stakes of not properly protecting these residences. Iowans aged 60 and above make up 89% of all recorded COVID-19 deaths in our state. More than half of all deaths in Iowa have occurred at long-term, nursing, and senior living facilities. And as of today, 677 deaths have occurred in long-term care facilities alone with over 900 positives cases.ⁱⁱ

In Polk County alone, there are six active outbreaks within senior living facilities. We have known since March 2020 that seniors are at the highest risk of serious illness from COVID-19 – especially if they have an underlying health issue. I wrote to you in July to remind that, according to the Center for Disease Control and Prevention (CDC), “nursing home populations are at the highest risk of being affected by COVID-19”.ⁱⁱⁱ On coronavirus.iowa.gov, your Administration lists “retired” as the number one most likely “occupation” for those who have died due to COVID-19. It is a tragedy that the most dangerous job in Iowa is to be a grandparent.

I have heard from nursing, assisted, and long-term care facilities who are confused and concerned about what the CMS decision will mean for their ability to test residents and employees when they are unable to access testing through the SHL. There is uncertainty if these living facilities will be forced to pay for their own testing in order to abide by CMS guidelines, or if they will face violations and fines due to their inability to get COVID-19 testing done on a weekly basis. The costs of private testing would be financially impossible for many congregate living facilities in Iowa. I am requesting that the Iowa Department of Public Health provide clarity to long-term care facilities, seniors, and to my office about what financial and legal impacts this CMS rule and the SHL's inability to provide enough testing will have.

You are already aware that Iowa has a per capita rate (PCR) of 11% positive cases.^{iv} We are ranked among the top ten states for growing outbreaks. I am writing to offer any and all assistance I can as a federal partner and elected official. If the SHL cannot process the number of tests needed, I also implore you to reach out to private labs. I was successfully able to advocate for UnityPoint to get increased Cepheid testing equipment and capacity at its facilities with a couple of phone calls – there is no question your office could accomplish the same.

You must ensure that our nursing staff is receiving adequate testing once to twice per week to detect COVID-19. Our nursing and long-term care living facilities are doing all they can to ensure patients have limited exposure, but they cannot do their jobs safely without adequate testing support.

Sincerely,



Cindy Axne
Member of Congress

ⁱ <https://iowastartingline.com/wp-content/uploads/2020/09/09.16.2020-CMS-Testing-Requirements-for-LTCFs-1.pdf>

ⁱⁱ <https://coronavirus.iowa.gov/pages/long-term-care>

ⁱⁱⁱ [https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html#:~:text=Given%20their%20congregate%20nature%20and,resistant%20organisms%20\(e.g.%2C%20Carbapenemase%2D](https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html#:~:text=Given%20their%20congregate%20nature%20and,resistant%20organisms%20(e.g.%2C%20Carbapenemase%2D)

^{iv} <https://coronavirus.iowa.gov/pages/case-counts>