

URGENT

From: Debra Zehr, President/CEO, LeadingAge Kansas
To: Office of the Governor, KDHE Secretary and Deputy Secretary of Public Health, KDADS Secretary and Deputy Secretaries. Via email
Re: KDHE's 4/27/2020 communication entitled "Kansas Infection Prevention and Control Preparation Guide for Long-Term Care and Other Residential Facilities in Kansas"
Date: 4/29/2020

Today we learned of the 4/27/2020 communication entitled "Kansas Infection Prevention and Control Preparation Guide for Long-Term Care and Other Residential Facilities in Kansas" sent to Kansas long term care providers by the Healthcare-Associated Infections and Antimicrobial Resistance Program at KDHE on April 27, 2020. The guidance regurgitates all of the CMS and CDC guidance that our members are already following, with the exception of these two beginning and ending sentences (emphasis all KDHE's own):

"Long-term care facilities in Kansas cannot and *should not* turn away new residents or refuse to readmit previous residents for fear of COVID-19."

"Do NOT refuse to receive new residents or residents being discharged from hospitals!"

This edict on nursing home admissions is not supported by any guidance and is not the approach taken by any other state or federal agency. The fact that it is coming from our state's public health agency is appalling. The "fear of COVID-19" is a dismissive description of very real concerns regarding lack of PPE, testing, staffing and funding for long term care providers. None of which have been made a priority for long term care by KDHE or the Governor.

The first paragraph of the guidance heavily implies that nursing homes are shirking their responsibilities in the health care system, and that we all need to be equally, if not more, concerned that it is an "inappropriate use of hospital resources to house patients who are no longer meeting inpatient criteria." This comes after very public support from the Governor to give extra funding to hospitals sitting empty and laying off workers. It is clear where KDHE's priorities lie, and it is not with the safety of long-term care residents in our state. This new guidance only reinforces that fact.

Instead of releasing dismissive edicts that threaten the lives of tens of thousands of people in our state, we ask that the administration assist in setting up and staffing alternate care sites and isolation units so that we can care for people outside of the hospital, while also valuing and preserving the lives of long term care residents. If KDHE must issue admissions guidance, it needs to be rooted in the question of whether a facility has the resources and capability to care for new admissions and readmissions safely. We are attaching the letter we sent to Governor Kelly on April 9, 2020 outlining our suggested guidance on long term care admissions. We are extremely disappointed that this is the response we have received.

We demand that you rescind this guidance immediately.

If KDHE would like to begin engaging with long term care providers on this, or any other issue, we stand ready to assist.