

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

February 26, 2021

Acting Secretary Norris Cochran
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Acting Secretary Cochran,

We write today to seek a briefing from the Department of Health and Human Services (HHS) and relevant sub-agencies regarding its role in collecting state government data reporting regarding COVID-19 related deaths in nursing homes and long-term care facilities.

Since last summer, Members of the Ways and Means Committee have been raising alarms about the decision made by several governors, including New York Governor Andrew Cuomo, to require nursing homes to admit or readmit COVID-19 positive patients from hospitals.^{1,2} The tragedy of the deaths that resulted from these fatal decisions have been compounded by a lack of transparent, accurate data.

On January 28, 2021, the New York State Office of the Attorney General issued a report finding that “COVID-19 resident deaths associated with nursing homes in New York state” appear to have been undercounted by “approximately 50 percent.”³ Then on February 11, 2021, the *New York Post* reported “Gov. Andrew Cuomo’s top aide privately apologized to Democratic lawmakers for withholding the state’s nursing home death toll from COVID-19 — telling them ‘we froze’ out of fear that the true numbers would ‘be used against us’ by federal prosecutors.”⁴

Given the Ways and Means Committee’s jurisdiction over Medicare payments to skilled nursing facilities and continued role in legislation relating to federal COVID-19 financial aid to states, it is essential the Committee use all tools at its disposal to investigate whether the state of New York deliberately provided false data to the federal government and to the public.

We therefore request that you provide a detailed briefing to staff addressing:

- The types of data reported to HHS regarding COVID-19 related deaths in nursing homes and long-term care facilities by state and local governments and facilities
- The manner in which such data is reported to HHS
- The auditing and review process performed by HHS upon receipt of such data, including any review prior to public posting

¹ <https://gop-waysandmeans.house.gov/nunes-opening-statement-at-subcommittee-hearing-on-examining-the-covid-19-nursing-home-crisis/>

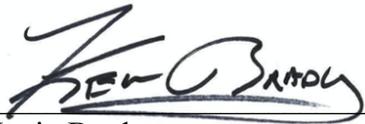
² <https://reed.house.gov/news/documentsingle.aspx?DocumentID=3192>

³ <https://ag.ny.gov/sites/default/files/2021-nursinghomesreport.pdf>

⁴ <https://nypost.com/2021/02/11/cuomo-aide-admits-they-hid-nursing-home-data-from-feds/>

- Any guidance regarding methodology and/or submission of such data provided by HHS to state and local governments and facilities
- Any clarifying guidance from HHS requested by state and local governments and facilities regarding the reporting of such data
- Authorities under which HHS can conduct its own oversight of the accuracy of state and local government data reporting regarding COVID-19 related deaths in nursing homes and long-term care facilities
- Recourse available to HHS if such data was purposefully reported inaccurately

We ask you schedule this briefing no later than March 5, 2021.



Kevin Brady
Republican Leader
Committee on Ways and Means



Devin Nunes
Republican Leader
Subcommittee on Health
Committee on Ways and Means



Tom Reed
Committee on Ways and Means