



October 28, 2020

The Honorable Kevin Byrne
Ranking Member, Assembly Health Committee
New York State Assembly
Legislative Office Building, Office 318
Albany, New York 12248

Dear Mr. Byrne:

Thank you for your thoughtful letter regarding the Coronavirus Disease 2019 (COVID-19) pandemic data and reporting requirements. With thousands of personnel supporting the pandemic response, the Centers for Disease Control and Prevention (CDC) is at the forefront of the federal government's efforts to control the spread of SARS-CoV-2, the virus that causes COVID-19. We have spent decades fighting epidemics and pandemics, which gives us the experience needed to mitigate the impact of this virus on the American public.

CDC is working with the Centers for Medicare & Medicaid Services (CMS) to leverage existing data systems, such as CDC's National Healthcare Safety Network (NHSN), and reporting requirements to improve COVID-19 surveillance. This information helps inform decision making and the public health response across the healthcare spectrum, including in nursing homes. Clear and accurate demographic data will help to inform strategies to ensure that all groups have equitable access to testing and health care and allow accurate determination of the burden of infection and illness severity on populations who are vulnerable and at high risk for COVID-19.

In conjunction with the CMS release of new regulatory requirements for nursing homes (www.cms.gov/files/document/qso-20-26-nh.pdf) on April 19, 2020, CDC released a new standardized reporting tool, the *Long-Term Care Facility COVID-19 Module* (www.cdc.gov/nhsn/ltc/covid19/index.html), that allows nursing homes to provide data to CDC's NHSN. The key indicators collected provide a better understanding of the burden of disease in nursing homes at the local, state, and national levels and enhances the nation's ability to combat COVID-19 in this high-risk healthcare setting. NHSN data provided the first national lens into the burden of disease in nursing homes.

CDC worked with CMS during the development and implementation of new regulatory requirements for nursing homes to report COVID-19 data to NHSN, and national, state, and facility level data are posted online by CMS (<https://data.cms.gov/stories/s/bkwz-xpvg>). CDC relies on CMS' regulatory authority and enforcement capacity to require reporting. CMS requires all CMS-certified nursing homes to provide COVID-19 data into NHSN; however, its use is voluntary in other long-term care facility types

(<https://www.cdc.gov/nhsn/pdfs/covid19/lcfc/cms-covid19-req-508.pdf>). The CMS requirements state that facilities must report data that begin on May 1, 2020. However, nursing homes may voluntarily submit data going back to January 1, 2020.

On May 8, 2020 CMS issued an Interim Final Rule (<https://www.federalregister.gov/documents/2020/05/08/2020-09608/medicare-and-medicaid-programs-basic-health-program-and-exchanges-additional-policy-and-regulatory>) to mandate that all CMS-certified nursing homes report certain COVID-19 data to NHSN.

CDC continues to work with state and local health departments and public health partners to enroll facilities in NHSN and support reporting. As of July 22, NHSN has received reports from over 99% of the nation's CMS-certified nursing homes (over 15,000). In addition, we have received reports from approximately 1,000 assisted living facilities, facilities for persons with developmental disabilities, and other non-CMS certified skilled nursing facilities. State health departments have immediate access to data submitted by facilities in their jurisdictions through their NHSN user groups, and CDC provides analytic reports to state health departments twice weekly. CDC also uses weekly data submitted through NHSN to monitor capacity in nursing homes and other participating long-term care facilities, and it shares this information with Federal, state, and local officials to adjust their response and mitigation efforts as needed. Facility-level data provided to CMS per the reporting requirements are posted online by CMS (<https://data.cms.gov/stories/s/bkwz-xpvg>). For additional questions on CMS COVID-19 reporting requirements, please contact DNH_TriageTeam@cms.hhs.gov.

CDC provides the agency's most up-to-date COVID-19 information, resources, and guidance at www.cdc.gov/coronavirus/2019-ncov/index.html.

Thank you for the work you do to protect the people of New York and for your interest in this ongoing response. We appreciate your support as we work together to fight COVID-19. CDC remains committed to protecting the American public during this pandemic. A copy of this letter has been sent to the New York State Assembly Minority Leader, William Barclay. Please share a copy of this response with the other co-signers of your letter.

Sincerely,



Robert R. Redfield, MD
Director, CDC