



## CALIFORNIA HEALTH AND HUMAN SERVICES AGENCY

---

Office of the Secretary

June 19, 2020

The Honorable Steve Scalise  
Ranking Member  
Select Subcommittee on the Coronavirus Crisis  
2157 Rayburn House Office Building  
Washington, DC 20515-6143

Dear Representative Scalise:

On behalf of Governor Newsom, I am responding to your June 15 letter requesting information related to nursing homes and other long-term care facilities. We share your concern regarding COVID-19's disproportionate impact on older individuals, especially those living in long-term care facilities. California has focused intently on addressing this impact by providing additional oversight and support to both nursing homes, which are medical facilities, as well as assisted living facilities, which are non-medical facilities.

To begin with, I would like to clarify two points made in your letter. First, the letter states:

*On March 30, 2020, the California Department of Public Health issued guidance mandating nursing homes not use COVID-19 positivity as a reason to block admission. The guidance mandated nursing homes accept COVID-19 positive patients stating, "[nursing homes] shall not refuse to admit or readmit a resident based on their status as a suspected or confirmed COVID-19 case."*

California has not forced COVID-19 positive admissions into nursing homes. The purpose of All Facilities Letter (AFL) 20-32 on March 30, 2020, was to ensure that facilities could not discriminate against or refuse care to individuals with COVID-19, with reference to AFL 20-25 (which explains how to properly care for COVID-19 patients). The very next day, on April 1, the California Department of Public Health (CDPH) published AFL 20-33, which addressed details concerning testing and consultation with local public health departments before any discharge and transfer occurred to ensure all patients were at the safest location possible whether they were COVID-19 negative or positive.

Second, the letter states:

*You even provided a monetary incentive or bribe to nursing homes offering \$1,000 per day per patient to a facility willing to take in COVID-19 positive patients. According to the California Association of Long-Term Care Medicine, this move "ma[de] no sense."<sup>1</sup>*

---

<sup>1</sup> Jaxon Van Derbeken, *Critics Call \$1,000-a-Day State Offer a 'Bounty' to House COVID-Positive Residents*, NBC BAY AREA (May 7, 2020), <https://www.nbcbayarea.com/investigations/critics-call-1000-a-day-state-offer-to-care-homes-a-bounty-to-house-covid-19-patients/2285862/>.

Your assertion that the State provided a monetary incentive to nursing homes in order take COVID-19 positive patients is completely inaccurate. Furthermore, the suggestion that the State used funds to “bribe” facilities to take COVID-19 positive patients is baseless and false.

In order to safely ensure care to residents of assisted living facilities (known in California as Residential Care Facilities for the Elderly or RCFEs), the State proactively created surge capacity to temporarily relocate RCFE residents, who did not require hospitalization, to offer space for safe isolation and recovery. At no time did this ever apply to nursing homes.

In order to care for these residents, the State sought facilities that could care for these residents, while protecting the health and safety of other residents in care. The \$1,000-per-day figure is a total rate, not a per person rate, and was provided to ensure that all the operating costs, including full staffing for a small facility, could be maintained even with only one resident in care. Since all of these residents were already paying to live in their current facility, this temporary relocation cost was borne by the state. To do otherwise could have imperiled these individuals' ability to return to their homes. Thanks to California's quick and robust efforts to halt the spread of COVID-19, the need for these surge facilities has diminished. The state remains vigilant and prepared should additional outbreaks occur necessitating the need for surge capacity in the future.

Finally, as requested, please see the information below.

**1. All State issued guidance, directives, advisories, or executive orders regarding hospital discharges to nursing homes or any and all other types of assisted living facilities, including those previously superseded, in chronological order.**

Please see the following:

California Department of Public Health Licensing and Certification Program's All Facility Letters:  
<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/LNCAFL20.aspx>

California Department of Social Services Community Care Licensing Program's Provider Information Notices:  
<https://cdss.ca.gov/inforesources/community-care-licensing>

**2. The total number of COVID-19 related nursing home deaths, including deaths that occurred at the nursing home and deaths of a registered nursing home patient at a hospital, by day between January 1, 2020 and present.**

Please see link below for information from May 15 through the present and the attachment for information prior to May 15.  
[https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/SNFsCOVID\\_19.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/SNFsCOVID_19.aspx)

The state does not track the number of deaths of a registered nursing home patient at a hospital.

**3. The total number of COVID-19 related nursing home positive cases, including individuals who tested positive at a nursing home and individuals that tested positive at a hospital, by day between January 1, 2020 and present.**

Please see link below for information from May 15 through the present and the attachment for information prior to May 15.

[https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/SNFsCOVID\\_19.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/SNFsCOVID_19.aspx)

The state does not track the number of positive tests of a registered nursing home patient at a hospital.

**4. The total number of confirmed or suspected COVID-19 positive patients returned to a nursing home or other long-term care facility between March 25, 2020 and present.**

This information is not available.

**5. All information, documents, and communications between the Office of the Governor and the California Department of Public Health regarding COVID-19 mitigation in nursing homes and other long-term care facilities.**

Please refer to the documents produced in response to your other requests. Those documents reflect the Administration's coordinated response to this issue.


**6. All information, documents, and communications between the California Department of Public Health and any and all of the State's Nursing Home Administrators.**

California Department of Public Health Licensing and Certification Program's All Facility Letters:

<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/LNCAFL20.aspx>

In closing, as the pandemic continues, we re-iterate our commitment to confront the disparate impact of COVID-19 on our most vulnerable.

Sincerely,



**MARK GHALY, MD, MPH**  
Secretary

Attachment: Q2 and Q3 Data Prior to May

cc: The Honorable James E. Clyburn, Chairman  
Select Subcommittee on the Coronavirus Crisis

The Honorable Mark E. Green, MD  
Select Subcommittee on the Coronavirus Crisis

The Honorable Jim Jordan  
Select Subcommittee on the Coronavirus Crisis

The Honorable Blaine Luetkemeyer  
Select Subcommittee on the Coronavirus Crisis

The Honorable Jackie Walorski  
Select Subcommittee on the Coronavirus Crisis

The Honorable Carolyn B. Maloney, Chairwoman  
Committee on Oversight and Reform

## Attachment

California Department of Public Health - Response to Questions 2 and 3 - Letter from Representative Scalise

Report Dates: 04/21/2020 - 05/13/2020

SNFs	Not Reporting	Reporting	REPORT_DATE	% REPORTING	HCW_TODAY	HCW_CUM	RES_TODAY	RES_CUM	HCW_DEATHS	RES_DEATHS	# facilities with at least 1 confirmed case today	# facilities with at least 1 confirmed case cumulative
1224	183	1041	5/13/2020	85.0%	805	3443	3401	5904	21	1039	276	440
1224	166	1058	5/12/2020	86.4%	1036	3836	3854	6441	23	1137	296	456
1224	152	1072	5/11/2020	87.6%	958	3658	3752	6250	23	1058	284	453
1224	248	976	5/10/2020	79.7%	855	3301	3304	5487	14	913	256	421
1224	227	997	5/9/2020	81.5%	988	3684	3553	6025	19	977	276	452
1224	180	1044	5/8/2020	85.3%	1022	3665	3482	6060	18	1020	270	441
1224	139	1085	5/7/2020	88.6%	1060	3682	3501	6045	19	1033	288	463
1224	184	1,040	5/6/2020	85.0%	971	3545	3368	5709	19	979	270	438
1224	185	1,039	5/5/2020	85.0%	859	3349	3276	5604	17	929	276	430
1224	165	1,059	5/4/2020	86.5%	774	3091	2623	4909	15	748	251	419
1224	213	1,011	5/3/2020	82.6%	703	3002	2634	4782	15	733	231	415
1224	213	1,011	5/2/2020	83.0%	664	2911	2416	4543	14	601	202	386
1224	173	1,051	5/1/2020	86.0%	719	2723	2256	4569	11	644	248	409
1224	132	1,092	4/30/2020	89.2%	693	2775	2176	4530	9	658	248	406
1224	95	1,129	4/29/2020	92.2%	828	2697	2299	4271	11	663	252	409
1224	108	1116	4/28/2020	91.2%	792	2594	2039	3923	11	618	237	403
1224	160	1064	4/27/2020	86.9%	387	2376	1915	3649	9	578	192	391
1224	192	1032	4/26/2020	84.3%	296	2221	1725	3365	8	528	167	378
1224	251	973	4/25/2020	79.5%	439	1990	1310	2970	7	397	185	340
1224	108	1116	4/24/2020	91.2%	662	2329	1899	3441	8	545	232	365
1224	65	1159	4/23/2020	94.7%	552	2099	1677	3141	9	486	208	364
1224	158	1066	4/22/2020	87.1%	342	1804	1385	2638	6	420	165	339
1224	189	1048	4/21/2020	85.6%	281	1788	1142	2444	4	345	148	325
<b>TOTAL</b>	<b>3385</b>	<b>20097</b>			<b>13887</b>	<b>55626</b>	<b>47980</b>	<b>88105</b>	<b>243</b>	<b>13815</b>	<b>4602</b>	<b>7994</b>

Note: Data for May 14 is not included as it was the day prior to the transition to new data reporting mechanism and data is incomplete.