

*Via Email Only*

April 23, 2020

Phil Wilson  
Acting Executive Commissioner  
Texas Health and Human Services  
P.O. Box 13247  
Austin, Texas 78711

Dear Acting Commissioner Wilson,

I write on behalf of Disability Rights Texas, the state designated protection and advocacy agency, which advocates on behalf of children and adults with disabilities in all aspects of society.

We are writing in response to CMS's "New Nursing Homes COVID-19 Transparency Effort" announcement earlier this week. We strongly support the steps that CMS announced to ensure transparency and information about infections and deaths in nursing homes. These critical steps include: (1) requiring nursing homes to inform residents, their families, and representatives of cases of COVID-19 in their facilities; (2) requiring nursing homes to report cases of COVID-19 directly to the Centers for Disease Control and Prevention (CDC), as well as to state and local officials; (3) requiring nursing homes to provide at least weekly updates to residents, their families, and representatives; and (4) requiring nursing homes to fully cooperate with CDC surveillance efforts around COVID-19 spread.

The need for transparency and information and data collection is, however, equally as critical to protecting the safety and welfare of people in all institutional settings as they are for residents of nursing homes. People with disabilities and older adults are, and will be, particularly at risk for COVID-19, facing a high risk of complications and death if exposed to the virus. While the media and public have understandably focused on the outbreaks and deaths in nursing homes across the country, people with disabilities and older adults face increased risks in all institutional and congregate settings. Like nursing facilities, there have been similar outbreaks and deaths in Texas' State Supported Living Centers, State Hospitals, and group homes.

We urge HHSC to extend these same requirements to all institutional settings in Texas such as State Supported Living Centers and psychiatric treatment facilities, as well as other Medicaid-funded congregate settings where older adults and people with disabilities live, including group homes and assisted living facilities.

Thank you for your time and consideration to this very important issue. If you have any questions, I can be reached at [rlavallo@disabilityrightstx.org](mailto:rlavallo@disabilityrightstx.org).

Sincerely,



Richard LaVallo  
Legal Director