

# JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW



California Pan-Ethnic Health Network



June 29, 2020

Dr. Sonia Angell  
Director, California Department of Public Health  
PO Box 997377, MS 0500  
Sacramento, CA 95899-7377

Dear Dr. Angell,

Thank you for your ongoing and tireless work to address the COVID-19 pandemic in California. In particular, we appreciate California Department of Public Health's (CDPH) efforts to make COVID-19 related infections and deaths in the state transparent and available, disaggregated by race and age. We, the undersigned organizations, write today to request that CDPH act immediately to provide congregate setting (i.e. Skilled Nursing Facility (SNF) and Residential Care Facility "RCFE") COVID-19 infections and deaths disaggregated by race for both residents and staff.

The current SNF and RCFE data do not provide racial information for infections and deaths, despite mounting evidence that confirms the racial disparities that older adults of color experience during the lifespan are magnified in congregate settings.<sup>1</sup> Nursing home residents account for nearly 1 out of 10 of all COVID-19 cases across the country and more than a quarter of COVID-19 deaths, and recent Medicare data confirm the disparities that exist for older adults of color and dual eligibles.<sup>2</sup> Meanwhile, in California, deaths of residents and staff in congregate settings account for 50% of the statewide total. While federal requirements under the CARES Act will mandate disaggregated data in testing, effective no later than August 1, it does not include deaths in SNFs and is too late.<sup>3</sup> CDPH's own data reveals that

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<sup>1</sup> "The Striking Racial Divide in How COVID-19 Has Hit Nursing Homes," *The New York Times*, May 21, 2020 ("Homes with a significant number of black and Latino residents have been twice as likely to be hit by the coronavirus as those where the population is overwhelmingly white.").

<sup>2</sup> "Nursing Homes Represent More Than 1 in 4 COVID-19 Deaths," *The Associated Press*, June 18, 2020; "Preliminary Medicare COVID-19 Data Snapshot," *Centers for Medicare & Medicaid Services*, June 11, 2020 (finding, among other trends, that Black Medicare beneficiaries were hospitalized with COVID-19 at a rate nearly four times higher than white Medicare beneficiaries).

<sup>3</sup> [COVID-19 Pandemic Response, Laboratory Data Reporting: CARES Act Section 18115](#), June 4, 2020.

the state continues to fight the pandemic in its first wave, with cumulative COVID-19 positive residents and resident deaths rising in the past seven days and a total number of resident deaths over 2,300.<sup>4</sup>

As the pandemic continues to ravage older Californians of color, the absence of COVID-19 SNF infection and death data disaggregated by race will hinder California's policy response and responses of local jurisdictions. This omission ultimately disadvantages older adults of color and perpetuates systemic racism by treating all congregate infections and deaths the same, counter to the state's values of California for All.

We recognize there may be existing limitations in the infection and death data reporting and collection processes that complicate CDPH's ability to disaggregate the data by race. Therefore, we would like to meet with you to discuss our request as a first step. Given the urgency of our request, we appreciate that you respond to our letter by Friday, July 10 and contacting Denny Chan at [dchan@justiceinaging.org](mailto:dchan@justiceinaging.org) with your availability for a telephonic or virtual meeting. Thank you so much for considering our request, and we look forward to continuing to work with you on California's COVID-19 response.

Sincerely,

Justice in Aging  
Advancement Project California  
Asian Americans Advancing Justice – Los Angeles  
California Black Health Network  
California Pan-Ethnic Health Network  
Latino Coalition for a Healthy California

CC: Dr. Mark Ghaly, California Health and Human Services  
Kim McCoy-Wade, California Department of Aging

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<sup>4</sup> California Skilled Nursing Facilities: COVID-19 Metrics – Last Seven Days," California Department of Public Health, accessed June 24, 2020, available at [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).