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# United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

A. JAY KHOSLA, STAFF DIRECTOR  
JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

October 18, 2017

Mr. Justin M. Senior  
Secretary  
Florida Agency for Health Care Administration  
2727 Mahan Drive  
Tallahassee, Florida 32308

Dear Mr. Senior:

We are writing to request information from Florida about its preparations for and responses to Hurricane Irma as it relates to nursing homes and other similar facilities. The Senate Committee on Finance has jurisdiction over both the federal Medicare and Medicaid programs. As part of our oversight responsibilities, we want to ensure the safety of residents and patients in nursing homes and other similar facilities during natural and manmade disasters.

In 2005, the tragic deaths of nursing home residents during Hurricane Katrina highlighted the necessity for adequate emergency preparedness and response at the Federal, State, and local levels. Following Hurricane Katrina, the Office of Inspector General of the Department of Health and Human Services (OIG) issued a report detailing a number of problems with nursing home emergency preparedness nationwide as well as certain nursing homes' responses to recent hurricanes.<sup>1</sup> The OIG recommended that the Centers for Medicare & Medicaid Services (CMS) strengthen Federal standards for emergency plans and "encourage communication and collaboration between State and local emergency entities and nursing homes."<sup>2</sup> In a 2012 follow-up report, the OIG examined the responses of nursing homes to recent wildfires in the West, floods in the Midwest, and hurricanes on the Gulf Coast and East Coast and found that gaps in nursing home emergency preparedness and response continued to exist.<sup>3</sup> While CMS finalized new national emergency preparedness requirements for Medicare- and Medicaid-participating providers and suppliers a year ago,<sup>4</sup> those regulations have yet to be fully implemented.

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<sup>1</sup> Department of Health and Human Services, Office of Inspector General, *Nursing Home Emergency Preparedness and Response During Recent Hurricanes* (Aug. 2006).

<sup>2</sup> *Id.* at 22.

<sup>3</sup> Department of Health and Human Services, Office of Inspector General, *Gaps Continue to Exist in Nursing Home Emergency Preparedness and Response During Disasters: 2007-2010* (Apr. 2012).

<sup>4</sup> Medicare and Medicaid Programs; Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers, 81 Fed. Reg. 63,860 (Sept. 16, 2016).

In light of reported problems with emergency preparedness and response during Hurricane Irma, we are seeking information regarding the effectiveness of the requirements for emergency preparedness and response for nursing homes and similar facilities at the State level. Therefore, we ask that you please respond to the following requests:

1. Identify the statewide emergency preparedness and response requirements that applied at the time of Hurricane Irma to nursing homes and assisted living facilities in Florida. How does the State of Florida plan to prioritize nursing homes and assisted living facilities for power restoration in future disasters?
2. Provide the number of nursing homes and assisted living facilities in Florida that (a) were evacuated during Hurricane Irma or its aftermath and the reasons for the evacuation (*e.g.*, loss of power, flooding, precautionary evacuation), and (b) elected to shelter in place during the storm.
3. Is Florida taking and/or considering new measures to help nursing homes and assisted living facilities better prepare for and respond to natural and manmade disasters as a result of its experience during and after Hurricane Irma?
4. We would like to find out more information about a particular facility in Broward County, Florida—the Rehabilitation Center at Hollywood Hills, LLC (Hollywood Hills). On September 20, 2017, you issued an emergency suspension order to the owner of the facility due to the tragic loss of the lives of eight residents.<sup>5</sup> Since then, the deaths of six additional residents have been reported.<sup>6</sup>
  - a. Please confirm that Hollywood Hills is a nursing home licensed by the Florida Agency for Health Care Administration. For what services has the facility been licensed by your Administration? Are these licenses still active?
  - b. What emergency preparedness and response requirements and regulations applied to Hollywood Hills at the time of Hurricane Irma?
  - c. Provide the timeline of any communications (during and/or following the hurricane) between Hollywood Hills and any State or local authorities, as well as the timelines for the precautionary or emergency evacuation of Hollywood Hills residents and the restoration of electric power to the facility.
  - d. Describe the recent regulatory history of Hollywood Hills and any related nursing homes or similar facilities that share common ownership with Hollywood Hills (*e.g.*,

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<sup>5</sup> Emergency Suspension Order, State of Florida, Agency for Health Care Administration v. Rehabilitation Center at Hollywood Hills, LLC (Sept. 20, 2017).

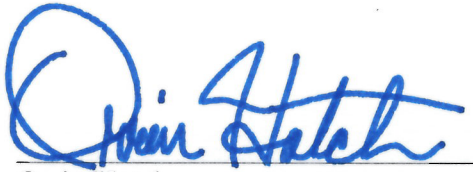
<sup>6</sup> Erica Pesantes, *14<sup>th</sup> Person from Hollywood Nursing Home Dies, Police Say*, SUN SENTINEL, Oct. 9, 2017, available at <http://www.sun-sentinel.com/news/hollywood-nursing-home-hurricane-deaths/fl-reg-13-nursing-home-death-20171009-story.html>.

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October 17, 2017  
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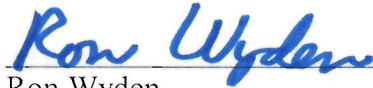
inspections, surveys, corrective actions, re-certifications, and relicensing, including those conducted on behalf of CMS).

We appreciate your cooperation with the Committee as we seek information about Florida's emergency preparedness and response requirements. By providing this information, we can better understand what needs to be done at the Federal level to ensure that nursing homes and other similar facilities are prepared to respond to natural and manmade disasters. Please provide your responses to these questions as soon as possible, but no later than November 15, 2017. If you have any questions, please contact [REDACTED]  
[REDACTED]

Sincerely,



Orrin Hatch  
Chairman  
Senate Committee on Finance



Ron Wyden  
Ranking Member  
Senate Committee on Finance