



TOM O'HALLERAN

1ST DISTRICT, ARIZONA

March 10, 2020

Vice President Mike Pence
Office of the Vice President
Room S-212, The Capitol
Washington, DC 20510

Dear Vice President Pence,

Thank you for your important efforts to combat the outbreak of the 2019 Novel Coronavirus (COVID-19) and to protect public health. I understand that an effective response to this unprecedented crisis requires coordination across federal agencies and Congress, and I look forward to working with you and members of the White House Coronavirus Task Force ("Task Force") to ensure the American people have the resources they need.

As the Representative for Arizona's First Congressional District, I have been communicating with our state, local, and tribal public health entities and stakeholders to learn more about their preparedness and response efforts. The First Congressional District is geographically the tenth-largest district in the nation, spanning from the state's north-eastern border to north of Tucson, and is home to twelve Native American Tribes.

As you know, the fifth confirmed case of COVID-19 occurred in Maricopa County, Arizona.¹ At the time of this writing, there are six confirmed cases in the state.² Our state, local, and tribal public health agencies have been working tirelessly to treat infected patients, disseminate accurate and comprehensive public health information, and mitigate and prevent widespread transmission of the virus.

During these discussions, it has become clear to me that they have insufficient supplies to promptly respond to the outbreak should the number of confirmed cases elevate quickly. Further, federal agencies have not provided clear and comprehensive information to these entities regarding any new legal capacities they may have should the outbreak worsen.

Thus, I write to you today to seek clarification on these matters, and I look forward to your answers to the following questions:

¹ National Public Radio (NPR), *Coronavirus Case Confirmed in Arizona, Bringing U.S. Total to 5*, Jan. 26, 2020, available at <https://www.npr.org/sections/goatsandsoda/2020/01/26/799726161/coronavirus-case-confirmed-in-arizona-bringing-u-s-total-to-5>.

² The New York Times, *Tracking Every Coronavirus Case in the U.S.: Full Map*, last updated March 10, 2020, 1:40 P.M. ET, available at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

1. Pursuant to Section 1135 of the Social Security Act, if the President declares a public health emergency *and* an emergency declaration under the Stafford Act *or* the National Emergencies Act, the Secretary of Health and Human Services (HHS) has the authority to waive certain requirements for Medicare, Medicaid, and the Children's Health Insurance Program (CHIP).³ These waivers allow health care providers to quickly treat patients when they experience surges in capacity.

Health care providers in my district have begun to craft contingency plans should the Administration issue these "1135 waivers." Are you able to provide any information regarding whether the Administration plans to issue such waivers? Has the Task Force been working with HHS to prepare for implementation of these waivers? Does the Task Force have a plan to work with HHS to expedite these waivers if necessary? And, importantly, does the Task Force plan to develop guidance for state, local, and tribal public health entities should these waivers be implemented?

2. I am increasingly concerned that health care providers and first responders in my district, particularly in our rural and medically underserved communities, do not have adequate amount of supplies should the COVID-19 outbreak worsen. I was recently informed by a health care center in my district that they are only permitted to purchase two boxes of N95 masks at a time, and they may have to purchase mattresses at local stores to expand their bed capacities. I was also informed that first responders, including paramedics and EMTs, may not have the resources they need if their emergency response duties rapidly increase. Our health care workforce is at risk of being woefully unequipped to safely treat infected patients and prevent transmission of the virus.

How is the Task Force working to assure that providers will be able to purchase enough supplies and receive those supplies in a timely manner? Is there an official – either on the Task Force or within HHS – responsible for monitoring the distribution of supplies?

3. Has the Task Force been working with officials at the Indian Health Service (IHS) to ensure that hospitals and clinics with contracts pursuant to Public Law 93-638 can secure the necessary supplies and resources amid a rapid increase in confirmed cases within their jurisdictions? Additionally, is the Task Force working in conjunction with IHS to issue guidance to these facilities, including guidance on qualifying for reimbursements?
4. I remain concerned that our state, local, and tribal public health agencies are not adequately connected to the federal agencies with jurisdiction over managing preparedness and response efforts for COVID-19. I am also concerned about the misinformation disseminating in the public sphere.

³ 42 U.S.C. §1320b-5. See also Centers for Medicare & Medicaid Services (CMS), Quality, Safety & Oversight Group – Emergency Preparedness, 1135 Waivers, available at: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertEmergPrep/1135-Waivers>.

What is the Task Force doing to ensure there are clear lines of communication between the federal agencies of jurisdiction and the state, local, and tribal entities on the frontlines? Does the Task Force plan to deliver additional public service announcements that reflect the latest information on COVID-19?

5. Lastly, what is the Task Force's plan to combat misinformation on social media platforms?

I appreciate your prompt attention to these urgent matters. If you or any member of your team has questions regarding this letter, please reach out to Sally Adams on my staff, sally.adams@mail.house.gov or call (202) 225-3361.

I look forward to working with you and to receiving your response.

Sincerely,



Tom O'Halleran
Member of Congress

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