



July 1, 2020

The Honorable Ned Lamont  
Office of the Governor  
State Capitol  
210 Capitol Ave.  
Hartford, CT 06106

**Re: Violation of CDC Guidelines on Nursing Home Staff Testing by Executive Order No. 7AAA**

Dear Governor Lamont,

On behalf of our clients in nursing homes, we appreciate your attention to the unique problems presented by nursing homes in containing the spread of the coronavirus. Because of your efforts, the state has been able to control the spread of the virus. It is important that we maintain that progress to ensure not only the safety of physically vulnerable elderly persons living in nursing homes, but also the protection of employees and their families and the wider community in which these employees live.

To that end, we are requesting that you repeal the portion of Executive Order No. 7AAA that eliminates the requirement of weekly testing of staff who work in nursing homes. It does not meet the Centers for Disease Control and Prevention (CDC) guidelines updated on June 13, 2020 (see <https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-homes-testing.html>) and puts nursing home residents unnecessarily at risk. We request that you reinstate Executive Order No. 7UU and continue to require weekly testing of staff for the duration of the public health and civil preparedness emergency.

As we are all acutely aware, Connecticut has witnessed that people in nursing homes are among the most vulnerable to COVID-19 and that the elderly are the most at risk. Over 2,700 nursing home residents have died from COVID-19, which is 64% percent of the total number of deaths in Connecticut. As emphasized in your Executive Orders, it is essential that Connecticut have a comprehensive strategy to prevent the transmission of COVID-19. An important part of this overall strategy in nursing homes is frequent testing of staff and residents. Frequent testing is critical to preventing a resurgence of COVID-19 in nursing homes.

However, Executive Order No. 7AAA eliminates the weekly staff testing requirement if there has been “no new cases of COVID-19 among residents or staff over at least 14 days since the most recent positive result.” The revised CDC guidelines require weekly testing of nursing home *staff*, unless there is “minimal to no community transmission.” This is an important distinction in

the guidelines. It reflects the reality that new cases in a nursing home will almost certainly be brought in by staff, who likely will be unknowing carriers, following community transmission. Accordingly, eliminating the regular testing of workers until a resident in the facility has become positive, likely due to exposure to an asymptomatic worker who went untested, will be too late to stop the spread in the facility.

Your order does not consider the extent of community transmission, as required by the revised CDC guidelines. While the number of those testing positive in Connecticut continues to decline, COVID-19 is still a threat in our community. Staff are not confined to the nursing home. They live in the community. They come and go, and many of them work in more than one nursing home. Sixty-four staff tested positive in nursing homes during the week of June 17 to June 23, 2020. Seventy-three residents tested positive during this same period. This is a very high rate of infection among staff, given the ratio of staff to residents. While infection is on the decline within nursing homes, it seems to remain troublingly prevalent among staff. That is why it is critical that weekly testing of staff continue, as long as there is community transmission, even if no one in the nursing home tests positive. We must stay vigilant and continue to take the necessary steps to prevent the spread of this dangerous disease.

By repealing the portion of Executive Order No. 7AAA on testing of staff who work in nursing homes and reinstating Executive Order 7UU, you ensure that Connecticut maintains its position as the one of the few states that has done what is necessary to flatten the curve and protect our residents.

Thank you for your attention to the concerns raised in this letter.

Respectfully yours,

Anne Louise Blanchard, Deputy Director  
Connecticut Legal Services  
[ABlancard@ctlegal.org](mailto:ABlancard@ctlegal.org)

Shelley White, Litigation Director  
New Haven Legal Assistance Association, Inc.  
[swhite@nhlegal.org](mailto:swhite@nhlegal.org)

Giovanna Shay, Litigation Director  
Greater Hartford Legal Aid, Inc.  
[gshay@ghla.org](mailto:gshay@ghla.org)

Cc:

Paul Mounds, Chief of Staff for Governor  
Jonathan Harris, Senior Advisor to the Governor  
Department of Public Health Commissioner Deidre Gifford  
Senator Catherine Osten  
Representative Toni Walker

Senator Mary Daugherty Abrams  
Representative Jonathan Steinberg  
Senator Julie Kushner  
Representative Robyn Porter  
Senator Marilyn Moore  
Representative Catherine Abercrombie  
Representative Michelle Cook  
Representative Lucy Dathan  
CT Long Term Care Ombudsman Mairead Painter