

Congress of the United States
Washington, DC 20510

April 9, 2020

Seema Verma
Administrator
Center for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Verma:

We write to urge you to immediately release any available data collected by the Centers for Medicare and Medicaid Services (CMS) on the race and ethnicity of Medicare beneficiaries who are tested or hospitalized for the coronavirus disease 2019 (COVID-19). As preliminary evidence suggests that the coronavirus pandemic is causing disproportionate harm in communities of color,¹ it is essential to bring to bear all the data collected by the federal government to identify and support affected communities. Medicare claims data are an invaluable source of information in tracking the spread of the virus and the characteristics of COVID-19 patients.

As we outlined in our letter to Department of Health and Human Services (HHS) Secretary Alex Azar on March 27, 2020, communities of color are likely to be disproportionately affected by the COVID-19 pandemic.² People of color are more likely to have chronic health conditions, such as heart disease and asthma, that put them at higher risk for complications from the virus.³ People of color and immigrants are also less likely to be insured,⁴ and many communities of color face shortages of health care providers, making it difficult to access appropriate and timely care.⁵ Moreover, socioeconomic factors make it more difficult for people

¹ WWNO, "Black Communities Are Hit Hardest By COVID-19 In Louisiana and Elsewhere," Tegan Wendland, April 6, 2020, <https://www.wwno.org/post/black-communities-are-hit-hardest-covid-19-louisiana-and-elsewhere>.

² Office of Sen. Elizabeth Warren, "Lawmakers Urge HHS to Address Racial Disparities in Access to Testing and Treatment During the Coronavirus Pandemic," March 30, 2020, <https://www.warren.senate.gov/oversight/letters/lawmakers-urge-hhs-to-address-racial-disparities-in-access-to-testing-and-treatment-during-the-coronavirus-pandemic>

³ Centers for Disease Control and Prevention, "Health, United States Spotlight: Racial and Ethnic Disparities in Heart Disease," April 2019, https://www.cdc.gov/nchs/hus/spotlight/HeartDiseaseSpotlight_2019_0404.pdf; American Journal of Respiratory and Critical Care Medicine, "Health Disparities in Asthma," Erik Forno, May 2012, <https://www.atsjournals.org/doi/full/10.1164/rccm.201202-0350ED>.

⁴ Kaiser Family Foundation, "Changes in Health Coverage by Race and Ethnicity Since the ACA, 2010-2018," Samantha Artiga, Kendal Orgera, and Anthony Damico, March 5, 2020, <https://www.kff.org/disparities-policy/issue-brief/changes-in-health-coverage-by-race-and-ethnicity-since-the-aca-2010-2018/>.

⁵ Academic Medicine: Journal of the Association of American Medical Colleges, "Predictors of Primary Care Physician Practice Location in Underserved Urban or Rural Areas in the United States: A Systematic Literature Review," Amelia Goodfellow et al., 2016, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5007145/>.

of color to practice social distancing and protect themselves from exposure. People of color are more likely to work in low-wage jobs that cannot be done remotely⁶ and to have fewer financial resources to draw on in the event of health problems or economic disruption.⁷

In the last two weeks, preliminary data released by states and localities have shown evidence of these disparities in COVID-19 outcomes. In Michigan, African-Americans account for 33% of confirmed COVID-19 cases and 40% of fatalities, despite making up only 14% of the state's population.⁸ In Louisiana, 70% of those who have died from COVID-19 so far are Black, compared with 32% of the state's population.⁹ Similar trends have been reported in Milwaukee and Chicago.¹⁰

These alarming trends make it even more crucial to provide comprehensive, transparent information at the federal level, while protecting individuals' privacy. CMS regularly collects Medicare claims data that includes diagnostic codes for the beneficiary's condition as well as treatment actions and outcomes, including hospitalizations and deaths.¹¹ This data includes information about the beneficiary's race and ethnicity and region of the country that can be used to identify and track health disparities.¹² Further, once there is a vaccine, this data can be used to track vaccine uptake and to monitor disparities in uptake. It is our understanding that this information has been used in the past to track outbreaks of infectious diseases, including hospitalizations and deaths due to influenza. Now that CMS has developed a specific code for COVID-19, there is no reason why this cannot be done to track coronavirus infections.¹³

We urge you to immediately release the data on COVID-19 testing, treatment (including hospitalizations and Intensive Care Unit admissions), and fatalities, broken down by race and ethnicity, gender, and area of the country. We are encouraged that you committed to releasing Medicare claims data of this nature in a White House press briefing on April 7, 2020.¹⁴ We further call on CMS to continue releasing this data on a weekly basis throughout the duration of the coronavirus public health emergency. As this crisis evolves, we must continue to closely

⁶ Pew Research Center, "Before the coronavirus, telework was an optional benefit, mostly for the affluent few," Drew Desilver, March 20, 2020, <https://www.pewresearch.org/fact-tank/2020/03/20/before-the-coronavirus-telework-was-an-optional-benefit-mostly-for-the-affluent-few/>.

⁷ Pew Research Center, "Key findings on the rise in income inequality within America's racial and ethnic groups," Rakesh Kochhar and Anthony Cilluffo, July 12, 2018, <https://www.pewresearch.org/fact-tank/2018/07/12/key-findings-on-the-rise-in-income-inequality-within-americas-racial-and-ethnic-groups/>.

⁸ The Oakland Press, "Michigan's African-American community hit hardest by coronavirus pandemic," Mark Cavitt, April 7, 2020, https://www.theoaklandpress.com/news/coronavirus/michigans-african-american-community-hit-hardest-by-coronavirus-pandemic/article_e693fd74-781d-11ea-9164-afba256a0b26.html.

⁹ WWNO, "Black Communities Are Hit Hardest By COVID-19 In Louisiana and Elsewhere," Tegan Wendland, April 6, 2020, <https://www.wwno.org/post/black-communities-are-hit-hardest-covid-19-louisiana-and-elsewhere>

¹⁰ *Id.*

¹¹ See, for example, CMS Limited Data Set Inpatient Data Dictionary, which includes Beneficiary Race (line 253), Primary Claim Diagnosis Code (line 61), and Inpatient Admission Code (line 30). <https://www.cms.gov/Research-Statistics-Data-and-Systems/Files-for-Order/LimitedDataSets/Downloads/InpatientVersionJ2011.pdf>.

¹² Centers for Medicare and Medicaid Services, "Mapping Medicare Disparities," pg. 1, <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/OMH-CMS-MMD-Tool-Overview.pdf>

¹³ Centers for Medicare and Medicaid Services, "CMS Develops Additional Code for Coronavirus Lab Tests," March 5, 2020, <https://www.cms.gov/newsroom/press-releases/cms-develops-additional-code-coronavirus-lab-tests>.

¹⁴ The Beat with Ari Melber, April 7, 2020, <https://www.youtube.com/watch?v=XPvo3-eaAyk&feature=youtu.be>

track disparities in testing and treatment to control the virus's transmission and ensure equitable access to life-saving care, as well as to vaccine, when it becomes available.

Thank you for your consideration of this urgent matter.

Sincerely,

Elizabeth Warren
United States Senator

Edward J. Markey
United States Senator

Ayanna Pressley
Member of Congress