

Congress of the United States
Washington, DC 20510

June 26, 2020

Charles D. Baker
Governor
Commonwealth of Massachusetts
State House
Boston, MA 02133

Dear Governor Baker:

We write to respectfully request an independent investigation into the outbreak of the coronavirus disease 2019 (COVID-19) pandemic at the Chelsea Soldiers' Home (CSH). Given that 31 veteran residents of the Home have died from COVID-19¹ and an independent investigation of the outbreak at the Holyoke Soldiers' Home (HSH) produced useful findings and recommendations,² we believe a similar, independent and thorough inquiry at CSH would help save veterans' lives, prevent further infections, and ensure a healthier and safer care environment for both residents and staff.

We request an independent inquiry into the COVID-19 outbreak at CSH with the recognition that the facility is different from HSH in multiple ways. For example, as described in the HSH independent investigation conducted by attorney Mark W. Pearlstein, CSH "has a larger budget than its counterpart in Holyoke," has permanent staff that do not change weekly, does not require staff to work overtime, receives Medicare funding for 66 of its long-term care beds, and "has been actively working to implement an electronic medical record system for several years."³

At the same time, while both facilities have long-term care and dormitory services and receive per-diem grant funding from the U.S. Department of Veterans Affairs, the Chelsea Soldiers' Home has a smaller long-term care capacity (170 beds) than that of the Holyoke Soldiers' Home (248 beds).⁴ The Holyoke Soldiers' Home "is generally in better condition" than Chelsea's, and CSH "is an open-ward design with no private rooms for veterans receiving care."⁵ We recognize that the Chelsea Soldiers' Home, like the facility in Holyoke, undergoes various licensing and inspection regimes, including an annual VA survey and a survey by the Joint

¹ Associated Press/WBUR, "Soldiers' Homes Resume Visits After Virus Outbreaks," June 15, 2020, <https://www.wbur.org/news/2020/06/15/chelsea-holyoke-soldiers-home-visits-allowed>.

² Commonwealth of Massachusetts, Governor's Press Office, "Independent Investigation Examining the Tragedy at the Holyoke Soldiers' Home Released," June 24, 2020, <https://www.mass.gov/news/independent-investigation-examining-the-tragedy-at-the-holyoke-soldiers-home-released>; "The COVID-19 Outbreak at the Soldiers' Home in Holyoke An Independent Investigation Conducted for the Governor of Massachusetts," Mark W. Pearlstein, June 23, 2020, <https://www.mass.gov/doc/report-to-governor-baker-re-holyoke-soldiers-home/download>.

³ "The COVID-19 Outbreak at the Soldiers' Home in Holyoke An Independent Investigation Conducted for the Governor of Massachusetts," Mark W. Pearlstein, June 23, 2020, <https://www.mass.gov/doc/report-to-governor-baker-re-holyoke-soldiers-home/download>.

⁴ *Id.*

⁵ *Id.*

Commission on Accreditation⁶ every three years.⁷ It is our understanding that VA inspected (surveyed) CSH in January and the Home is submitting a plan of correction to address deficiencies, but that there were apparently no infection control deficiencies cited in the survey.⁸ Furthermore, CSH's skilled nursing facility – unlike HSH – receives an annual inspection (survey) by the Massachusetts Department of Health (DPH) on behalf of the Centers for Medicare and Medicaid Services (CMS) because CSH accepts Medicare payments.⁹

We acknowledge that CSH has retested all veteran residents and staff for COVID-19, that 29 residents who previously tested positive have clinically recovered, and that 36 employees are positive.¹⁰ In addition, we recognize that the CSH Incident Command team “continues to monitor and enforce staff use of personal protective equipment (PPE), [...] source PPE to ensure that residents and staff have access to critical safety equipment, [...] and] coordinate closely with the VA Health Care System.”¹¹ We welcome the reforms you announced on June 25, 2020, that aim to improve oversight and governance of both Soldiers' Homes in the Commonwealth.¹²

Despite the multiple layers of oversight applied to the facility and the infection control measures currently in place, it is undisputed that 31 veteran residents of the Chelsea Soldiers' Home have died due to COVID-19¹³ and that VA medical centers in Boston and Bedford have accepted at least 40 CSH veteran residents for care since the onset of the COVID-19 pandemic.¹⁴ Recent public reporting has cast doubt on whether the COVID-19 response at the Home adequately protected veterans,¹⁵ and we understand that at least 60 percent of all veteran residents at the Home have tested positive for coronavirus antibodies.¹⁶ Altogether, these facts and circumstances suggest that a serious outbreak occurred at the Chelsea Soldiers' Home.

⁶ The Joint Commission, <https://www.jointcommission.org/en/>.

⁷ Based on calls between Congressional staff and Executive Office of Health and Human Services (EOHHS) and Chelsea Soldiers' Home personnel.

⁸ Based on calls between Congressional staff and Executive Office of Health and Human Services (EOHHS) and Chelsea Soldiers' Home personnel.

⁹ Based on calls between Congressional staff and Executive Office of Health and Human Services (EOHHS) and Chelsea Soldiers' Home personnel.

¹⁰ Commonwealth of Massachusetts Emergency Management Agency, “COVID-19 Response Command Center, Daily Situation Report,” June 24, 2020, <https://archives.lib.state.ma.us/bitstream/handle/2452/828771/on1145279285-2020-06-24.pdf?sequence=1&isAllowed=y>.

¹¹ *Id.*

¹² Commonwealth of Massachusetts, Governor's Press Office, “Baker-Polito Administration Announces Reforms to Strengthen Oversight, Governance of Holyoke,” June 25, 2020, <https://www.mass.gov/news/baker-polito-administration-announces-reforms-to-strengthen-oversight-governance-of-holyoke>.

¹³ Commonwealth of Massachusetts Emergency Management Agency, “COVID-19 Response Command Center, Daily Situation Report,” June 24, 2020, <https://archives.lib.state.ma.us/bitstream/handle/2452/828771/on1145279285-2020-06-24.pdf?sequence=1&isAllowed=y>; Associated Press/WBUR, “Soldiers' Homes Resume Visits After Virus Outbreaks,” June 15, 2020, <https://www.wbur.org/news/2020/06/15/chelsea-holyoke-soldiers-home-visits-allowed>.

¹⁴ U.S. Secretary of Veterans Affairs Robert Wilkie, Letter to Senator Warren regarding VA oversight of the quality of care in State Veterans Homes, May 8, 2020 [on file with Office of Senator Warren].

¹⁵ WCVB, “Questions raised about handling of vulnerable veterans at Chelsea Soldiers' Home,” Kathy Curran, June 17, 2020, <https://www.wcvb.com/article/questions-raised-about-handling-of-vulnerable-veterans-at-chelsea-soldiers-home-in-massachusetts/32897349>.

¹⁶ Based on calls between Congressional staff and Executive Office of Health and Human Services (EOHHS) and Chelsea Soldiers' Home personnel.

In your announcement of the report from the Pearlstein inquiry on June 24, 2020, you stated, “I called for an independent and thorough investigation into the tragic events that occurred at the Holyoke Soldiers’ Home to get to the bottom of what happened and take immediate action.”¹⁷ As members of the Massachusetts Congressional delegation who remain concerned about the health and safety of veteran residents and staff at long-term care facilities across the Commonwealth, we believe that the COVID-19 veteran deaths and infections at the Chelsea Soldiers’ Home demand a similarly rigorous inquiry. Like the independent investigation conducted by Mr. Pearlstein, an inquiry into the Chelsea Soldiers’ Home should examine three fundamental questions: “what caused and contributed to the COVID-19 outbreak at the Soldiers’ Home?”; “did the Soldiers’ Home’s leadership comply with applicable requirements to provide timely and accurate counts of the number of infected patients and staff, and the number of deaths associated with COVID-19?”; and “what if anything can be done in the future to prevent or reduce the likelihood of a similar outbreak?”¹⁸

We recognize that the employees of the Soldiers’ Home have an incredibly difficult job – one that became even more difficult when COVID-19 swept through the Commonwealth. They have our gratitude for their commitment to caring for veterans who served our country. Veteran residents of the Chelsea Soldiers’ Home – like all veterans in long-term care facilities – deserve a standard of care that honors and dignifies their service and sacrifices. Like the families of veterans who died or became infected from COVID-19 at the Holyoke Soldiers’ Home, the families of Chelsea Soldiers’ Home veterans who have suffered from this disease deserve meaningful, lasting accountability and reforms. An independent inquiry can help facilitate such results. Thank you for your attention to this matter.

Sincerely,

/s/
Elizabeth Warren
United States Senator

/s/
Edward J. Markey
United States Senator

/s/
Ayanna Pressley
Member of Congress

¹⁷ Commonwealth of Massachusetts, Governor’s Press Office, “Independent Investigation Examining the Tragedy at the Holyoke Soldiers’ Home Released,” June 24, 2020, <https://www.mass.gov/news/independent-investigation-examining-the-tragedy-at-the-holyoke-soldiers-home-released>.

¹⁸ “The COVID-19 Outbreak at the Soldiers’ Home in Holyoke An Independent Investigation Conducted for the Governor of Massachusetts,” Mark W. Pearlstein, June 23, 2020, <https://www.mass.gov/doc/report-to-governor-baker-re-holyoke-soldiers-home/download>.