

Congress of the United States
Washington, DC 20515

February 17, 2022

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Dear Administrator Criswell:

As members of the New York State congressional delegation, we write to express our concern about the ongoing COVID-19-related financial challenges of hospitals, nursing facilities, and other health care providers that serve our constituents. We request that you consider the rapid distribution of Federal Emergency Management Agency (FEMA) Public Assistance (PA) program funds, pursuant to *Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim)* (FEMA Policy FP 104-009-19), as requested by New York State hospitals and other health care facilities.

As New York City's former Commissioner for Emergency Management, you are acutely aware of the impact COVID-19 had on New York City and communities across the state in 2020 and the accompanying financial costs. Hospitals and other health care providers were forced to rapidly adjust their patient care operations at great expense. While the massive first surge was the most resource-intensive period for health care providers, the entire pandemic has required an unprecedented and sustained response to prevent COVID-19 transmission and address subsequent hospitalization waves as the virus has evolved. New York's health care providers across the state continue to endure major staffing and capacity challenges that we believe require immediate, robust federal support and reimbursement flexibilities.

We appreciate FEMA's continued pandemic response efforts and understand that FEMA and its state partners are managing a tremendous workload of PA program applications. However, ongoing delays in FEMA funding for expenses incurred in prior patient waves inhibits hospitals' abilities to address current challenges and the continued impact of the pandemic.

We urge FEMA and its state partners to consider working with New York applicants to identify ways to streamline and expedite the review process outlined in FP 104-009-19 by reducing the significant up-front documentation burden, improving administrative processes, and taking other reasonable steps to provide funding more quickly. We also request that FEMA provide a prompt update on the status of the applications for New York hospitals, nursing facilities, and other providers to us and the health care facilities as soon as possible.

While our primary concern is the rapid distribution of PA funds, we also have several additional policy suggestions related to allowable labor expenses:


- Ease documentation and eligibility requirements of overtime and agency staffing costs, assuming that, at least during the spring 2020 surge, all agency and clinical overtime hours were pandemic-related;
- Consider hazard pay as a non-discretionary expense, regardless of preexisting non-discretionary pay policies;
- Consider the salaries of budgeted medical staff who were redeployed into pandemic-related roles as an allowable expense;

- Reimburse providers for employee support services, including employee transportation, temporary housing, and childcare benefits that were essential to ensuring workforce continuity and maintaining hospital operations.


In addition, as requested by FEMA, many health care providers submitted information on baseline costs for certain items and costs from prior non-pandemic years, such as personal protective equipment, medical equipment, third-party security vendors, and contract labor. They also submitted medical revenue received during the application period. While it is unclear how this information will be considered, we believe FEMA should not use baseline costs and medical revenues as offsets for legitimate pandemic-related expenses.


Thank you for your prompt attention and full and fair consideration of our concerns, consistent with applicable agency guidelines, and your commitment to the health and protection of our communities.

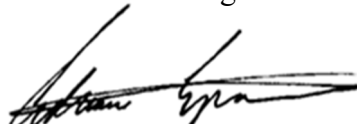
Sincerely,



Ritchie Torres
Member of Congress


John Katko
Member of Congress

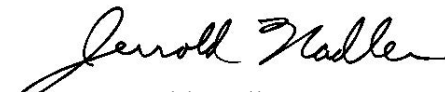

Charles E. Schumer
United States Senator

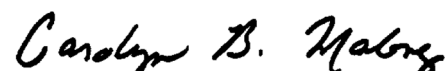

Kirsten Gillibrand
United States Senator



Adriano Espaillat
Member of Congress

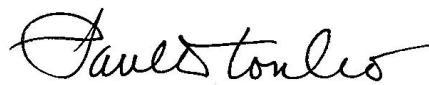

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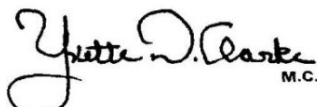

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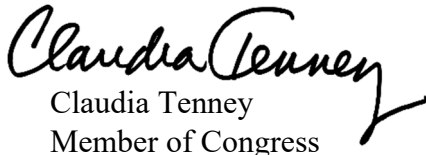

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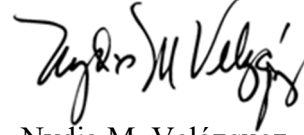
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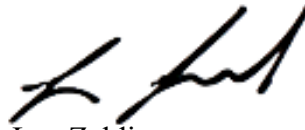
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Lee Zeldin
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