

Congress of the United States
Washington, DC 20515

November 30, 2022

The Honorable Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

The Honorable Xavier Becerra
Secretary of the Department of Health and Human Services
U.S. Department of Health and Human Services
Washington, DC 20201

Dear President Biden and Secretary Becerra:

With many of our nation's pediatric hospitals operating at or near capacity due to a surge in the number of pediatric respiratory syncytial virus (RSV), influenza and mental health patients, we urge you to declare a pediatric health emergency to support the national response to assist with children's health.

We appreciate your administration's willingness to provide assistance to pediatric health care providers in need of help on a case-by-case basis, but we believe the scope of the problem merits proactive measures. Pediatric hospitals across the country are seeing a spike in RSV and influenza cases. As we know from the COVID-19 pandemic, contagious respiratory illnesses can quickly overwhelm hospitals and staff, resulting in shortages in workforce and other resources. Beyond RSV and influenza, pediatric beds are also being used for an increasing number of pediatric mental health patients who have nowhere else to go. As of November 16, 2022, the Department of Health and Human Services reported that 79% of pediatric hospital beds were full nationwide and seven states reported capacity levels above 90%. Leading experts project that the incidence rates of respiratory disease will continue to increase throughout the winter, putting further strain on hospitals that are already operating near capacity.

We request that a pediatric health emergency declaration allow for waivers to allow for flexibility for:

- Conditions of participation that may impede moving patients, use of new spaces for care and adapting to workforce challenges.
- Emergency Medical Treatment and Labor Act requirements that may impede transferring patients and creating off-site triage to manage capacity challenges.
- Licensure reciprocity to support cross state care and telehealth.
- Stark self-referral sanctions.
- State Medicaid agencies to support telehealth and out-of-state care to allow for a continuum of care.

We appreciate your attention to this critical issue. Your continued support for health care providers during the COVID-19 pandemic has helped limit the effect of the virus throughout the

country. We hope that you will take similar prompt and preemptive action to aid pediatric hospitals to protect the health and well-being of our nation's youth and the doctors and practitioners who oversee their care.

Sincerely,



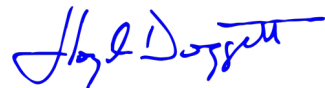
Steve Cohen
Member of Congress



Lisa Blunt Rochester
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



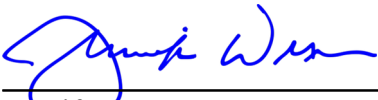
Lloyd Doggett
Member of Congress



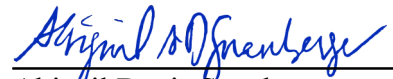
Kathy E. Manning
Member of Congress



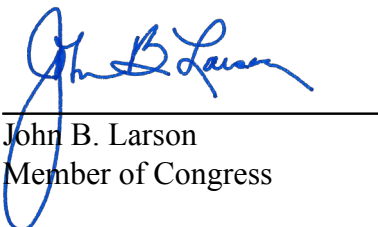
Katie Porter
Member of Congress



Jennifer Wexton
Member of Congress



Abigail Davis Spanberger
Member of Congress



John B. Larson
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Jahana Hayes

Member of Congress