

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 1087 Session of 2020

INTRODUCED BY KLUNK, BARRAR, ECKER, FEE, KAUFFMAN, MOUL, ROTHMAN, RYAN, COX, GAYDOS, OWLETT, CAUSER, SAYLOR, OBERLANDER, HICKERNELL, HERSHEY, JONES AND TOEPEL, NOVEMBER 12, 2020

AS AMENDED, HOUSE OF REPRESENTATIVES, NOVEMBER 19, 2020

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to
2 conduct ~~an audit~~ A REVIEW of the data collection ~~systems~~ <--
3 ~~utilized~~ by the Department of Health during the COVID-19
4 pandemic.

5 WHEREAS, The novel coronavirus was first discovered in Wuhan,
6 China, at the end of December of 2019; and

7 WHEREAS, The novel coronavirus is the virus that causes
8 COVID-19; and

9 WHEREAS, The first documented case of COVID-19 appeared in
10 this Commonwealth in March of 2020; and

11 WHEREAS, On March 6, 2020, Governor Wolf signed a declaration
12 of disaster emergency to mitigate the spread of COVID-19 in this
13 Commonwealth; and

14 WHEREAS, The Secretary of Health has served as the primary
15 point of contact for all COVID-19 infection data in this
16 Commonwealth through her role as the head of the Department of
17 Health in accordance with the Disease Prevention and Control Act
18 of 1955; and

1 WHEREAS, The collecting and sharing of information with
2 respect to COVID-19 infection rates, locations of positive
3 COVID-19 cases, mortality data and other information within the
4 purview of the Department of Health is vital to contain the
5 virus and inform the public; and

6 WHEREAS, The Bureau of Health Statistics and Registries of
7 the Department of Health is responsible for the death
8 certificates of all individuals who have died in this
9 Commonwealth, including individuals who have died for reasons
10 other than COVID-19; and

11 WHEREAS, The coroners and medical examiners in this
12 Commonwealth are responsible for investigating deaths that occur
13 in this Commonwealth due to a communicable disease; and

14 WHEREAS, In late April of 2020, the Pennsylvania State
15 Coroners Association publicly stated that there was a conflict
16 between the number of COVID-19 deaths reported by the Department
17 of Health and the number of COVID-19 deaths reported by coroners
18 in this Commonwealth; and

19 WHEREAS, Due to the alarming conflict in the number of COVID-
20 19 deaths reported by the Department of Health and coroners in
21 this Commonwealth, the Department of Health removed hundreds of
22 deceased individuals from the Department of Health's list of
23 COVID-19 deaths without an explanation or a review of the death
24 certificates for the removed individuals; and

25 WHEREAS, On May 26, 2020, the Department of Health released a
26 report specifying the number of COVID-19 cases discovered in
27 nursing homes; and

28 WHEREAS, Upon the release of the Department of Health's
29 report, nursing homes immediately contested the information in
30 the report, including information in the report stating that

1 COVID-19 cases exceeded the number of beds in certain nursing
2 homes; and

3 WHEREAS, More than seven months since the beginning of the
4 COVID-19 pandemic, there is still no consistent reporting
5 mechanism for COVID-19 cases and deaths in nursing homes; and

6 WHEREAS, Despite nursing homes and other long-term care
7 facilities providing numerous reports on COVID-19 to the
8 Department of Health and the Department of Human Services,
9 information on COVID-19 for nursing homes and other long-term
10 care facilities is often delayed more than a week and the
11 information often includes many missing details; and

12 WHEREAS, On May 22, 2020, the Department of Health announced
13 that the Department of Health was combining COVID-19 testing
14 results from viral tests and antibody tests; and

15 WHEREAS, A viral or polymerase chain test reaction test is
16 utilized to determine if a patient has a current viral infection
17 of COVID-19; and

18 WHEREAS, An antibody test is utilized to determine if a
19 patient had a prior or previously undiagnosed or asymptomatic
20 viral infection of COVID-19; and

21 WHEREAS, The Department of Health's decision to combine the
22 two different COVID-19 test results when submitting reports on
23 COVID-19 to the Centers for Disease Control and Prevention
24 results in an over inflation of the status of COVID-19 cases in
25 this Commonwealth; and

26 WHEREAS, The Department of Health continues to report COVID-
27 19 data on polymerase chain test results that is more than 30
28 days old; and

29 WHEREAS, In addition to the Department of Health's decision
30 to combine the polymerase chain test results for COVID-19 and

1 the antibody test results for COVID-19 when submitting reports
2 on COVID-19 to the Centers for Disease Control and Prevention,
3 the Department of Health's failure to SEPARATELY report antibody <--
4 testing to the Centers for Disease Control and Prevention has
5 distorted the status of COVID-19 cases in this Commonwealth; and

6 WHEREAS, Residents of this Commonwealth have logged numerous
7 complaints about the causes of death listed on the death
8 certificates of loved ones; and

9 WHEREAS, Death certificates in this Commonwealth can be filed
10 by coroners, medical examiners, treating health care providers
11 and other authorized individuals; and

12 WHEREAS, A review of the death certificate information from
13 other states shows numerous inaccuracies in the reporting of
14 COVID-19 deaths and the comorbidities associated with the
15 deaths; and

16 WHEREAS, During two days in June of 2020, this Commonwealth
17 recorded a 100% positive rate for COVID-19 on all tests
18 performed; and

19 WHEREAS, Despite this statistical anomaly, the Department of
20 Health has not initiated or reviewed the COVID-19 data reported
21 on those two days to review necessary changes to data reporting;
22 and

23 WHEREAS, From October 20 to October 21, 2020, the COVID-19
24 data provided by the Department of Health showed more COVID-19
25 deaths in long-term care facilities than in this entire
26 Commonwealth; and

27 WHEREAS, This higher COVID-19 death rate data in long-term
28 care facilities is a statistical impossibility; and

29 WHEREAS, Instances of anomalies, inaccuracies, statistical
30 impossibilities and other reporting concerns are still happening

1 at the Department of Health more than seven months after the
2 beginning of the COVID-19 pandemic; and

3 WHEREAS, Residents of this Commonwealth need to have accurate
4 and reliable COVID-19 data to make choices for their health,
5 safety and security; therefore be it

6 RESOLVED, That the House of Representatives direct the
7 Legislative Budget and Finance Committee to conduct an audit A <--
8 REVIEW of the data collection systems utilized by the Department <--
9 of Health during the COVID-19 pandemic; and be it further

10 ~~RESOLVED, That the Legislative Budget and Finance Committee <--~~
11 ~~review information received from nursing homes, long term care-~~
12 ~~facilities, health care facilities, coroners and medical-~~
13 ~~examiners to determine the accurate number of COVID 19 cases in-~~
14 ~~this Commonwealth; and be it further~~

15 ~~RESOLVED, That the Legislative Budget and Finance Committee's-~~
16 ~~audit include all of the following information:~~

17 ~~(1) An analysis of the daily total COVID 19 reports-~~
18 ~~submitted to the Department of Health.~~

19 ~~(2) An analysis of the daily total COVID 19 reports-~~
20 ~~received by the Department of Health by other State agencies.~~

21 ~~(3) An analysis of the COVID 19 reports provided by-~~
22 ~~county coroners, medical examiners and local boards of-~~
23 ~~health.~~

24 ~~(4) An analysis of the changes in the daily total COVID-~~
25 ~~19 reports provided by the Department of Health, including-~~
26 ~~the revised numbers of COVID 19 positive test results and-~~
27 ~~decreases to the total number of reported cases.~~

28 ~~(5) An analysis of the comorbidities reported by-~~
29 ~~patients who tested positive for COVID 19 in addition to the-~~
30 ~~positive viral diagnoses.~~

1 ~~(6) Conclusions regarding the areas where data~~
2 ~~discrepancies have been found and how the discrepancies can~~
3 ~~be avoided in future;~~

4 ~~and be it further~~

5 ~~RESOLVED, That the Legislative Budget and Finance Committee~~
6 ~~review the death certificates of deceased individuals which have~~
7 ~~been labeled as COVID-19 deaths and analyze the following~~
8 ~~information:~~

9 ~~(1) The location of death.~~

10 ~~(2) The individual who recorded the death.~~

11 ~~(3) The method of recording the chain of events~~
12 ~~regarding the death.~~

13 ~~(4) The location of COVID-19 in the chain of events~~
14 ~~listed as the cause of death;~~

15 ~~and be it further~~

16 ~~RESOLVED, That the Legislative Budget and Finance Committee~~
17 ~~review the reporting of COVID-19 data to determine the number of~~
18 ~~viral tests and antibody tests performed in this Commonwealth,~~
19 ~~including the following information:~~

20 ~~(1) The number of polymerase chain test reaction tests~~
21 ~~performed, including the number of samples tested and the~~
22 ~~number of individuals tested.~~

23 ~~(2) The number of COVID-19 positive polymerase chain~~
24 ~~test reaction results, including the number of times the same~~
25 ~~individual tested positive for COVID-19.~~

26 ~~(3) The number of COVID-19 negative polymerase chain~~
27 ~~test reaction results, including the number of times the same~~
28 ~~individual tested negative for COVID-19.~~

29 ~~(4) The number of antibody tests or other serum tests~~
30 ~~performed, including the number of samples tested and the~~

1 ~~number of individuals tested.~~

2 ~~(5) The number of COVID-19 positive antibody tests or~~
3 ~~other serum tests performed, including the number of times~~
4 ~~the same individual tested positive for COVID-19.~~

5 ~~(6) The number of COVID-19 negative antibody tests or~~
6 ~~serum tests performed, including the number of times the same~~
7 ~~individual tested negative for COVID-19.~~

8 ~~(7) A determination on when the Department of Health~~
9 ~~ceased combining COVID-19 testing results from viral tests~~
10 ~~and antibody tests when submitting reports on COVID-19 to the~~
11 ~~Centers for Disease Control and Prevention.~~

12 ~~(8) A determination on how other COVID-19 test results~~
13 ~~are collated, counted and reported in this Commonwealth;~~
14 ~~and be it further~~

15 ~~RESOLVED, That the Legislative Budget and Finance Committee~~
16 ~~review the anomalies in the reporting of COVID-19 data by the~~
17 ~~Department of Health, including, but not limited to, all of the~~
18 ~~following:~~

19 ~~(1) The dates when the positivity rate of COVID-19 tests~~
20 ~~in this Commonwealth was more than 50%.~~

21 ~~(2) The laboratories that performed the COVID-19 tests~~
22 ~~described under paragraph (1).~~

23 ~~(3) The brands of the COVID-19 tests described under~~
24 ~~paragraph (1).~~

25 ~~(4) The types of the COVID-19 tests described under~~
26 ~~paragraph (1).~~

27 ~~(5) The counties where the COVID-19 tests described~~
28 ~~under paragraph (1) were performed and the number of COVID-19~~
29 ~~tests that were performed on different dates than the COVID-~~
30 ~~19 tests described under paragraph (1);~~

1 ~~and be it further~~

2 ~~RESOLVED, That the Legislative Budget and Finance Committee~~
3 ~~review the delays in reporting of positive COVID-19 cases and~~
4 ~~the circumstances that are leading to delays in excess of 40-~~
5 ~~days in the reporting of positive COVID-19 cases; and be it~~
6 ~~further~~

7 RESOLVED, THAT THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE <--
8 REVIEW DATA COLLECTED AND DISSEMINATED BY THE DEPARTMENT OF
9 HEALTH AND ISSUE A REPORT OF ITS FINDINGS; AND BE IT FURTHER

10 RESOLVED, THAT THE REPORT INCLUDE, BUT NOT BE LIMITED TO, A
11 REVIEW OF ALL OF THE FOLLOWING:

12 (1) THE NUMBER AND TYPE OF COVID-19 TESTS COMPLETED IN
13 THIS COMMONWEALTH, INCLUDING A REVIEW OF ALL OF THE
14 FOLLOWING:

15 (I) INFORMATION ON THE COMMINGLING OF TEST RESULTS
16 FOR POLYMERASE CHAIN REACTION TESTS AND ANTIBODY TESTS.

17 (II) THE DATA SYSTEM USED TO ENSURE COVID-19
18 POSITIVE TESTS FROM THE SAME INDIVIDUAL WERE NOT REPORTED
19 AS MULTIPLE POSITIVE CASES.

20 (III) THE TYPE OF COVID-19 TESTS COMPLETED,
21 INCLUDING POLYMERASE CHAIN REACTION TESTS, ANTIBODY TESTS
22 AND RAPID ANTIGEN TESTS.

23 (2) THE POLICIES, PROCEDURES AND PRACTICES OF STATE
24 AGENCIES REPORTING COVID-19 TEST RESULTS TO THE DEPARTMENT OF
25 HEALTH AND THE CENTERS FOR DISEASE CONTROL AND PREVENTION,
26 INCLUDING A REVIEW OF ALL OF THE FOLLOWING:

27 (I) THE COVID-19 REPORTING REQUIREMENTS OF STATE
28 AGENCIES, HEALTH CARE FACILITIES AND OTHER LONG-TERM CARE
29 FACILITIES TO DETERMINE IF DUPLICATION OF REPORTING
30 THROUGH MULTIPLE DATA SYSTEMS HAS RESULTED IN MORE

1 ACCURATE DATA OR A DUPLICATION OF INFORMATION.

2 (II) LABORATORY REPORTING FOR COVID-19 TO THE
3 DEPARTMENT OF HEALTH TO DETERMINE WHY THERE ARE DELAYS IN
4 REPORTING COVID-19 INFORMATION TO DEPARTMENT OF HEALTH OR
5 BY THE DEPARTMENT OF HEALTH THAT HAS RESULTED IN DELAYS
6 OF INFORMATION BEING REPORTED ON THE DEPARTMENT OF
7 HEALTH'S COVID-19 DASHBOARD.

8 (III) THE PROCEDURES UTILIZED BY THE DEPARTMENT OF
9 HEALTH TO REVISE POSITIVE COVID-19 TEST RESULTS AND
10 COVID-19 DEATHS IN DAILY REPORTING OR ON THE DEPARTMENT
11 OF HEALTH'S COVID-19 DASHBOARD.

12 (3) THE DEATH CERTIFICATES FOR RESIDENTS OF THIS
13 COMMONWEALTH WHO MAY HAVE DIED FROM COVID-19 TO ENSURE THE
14 DEATHS WERE PROPERLY, ACCURATELY AND CONSISTENTLY REPORTED TO
15 DEPARTMENT OF HEALTH;

16 AND BE IT FURTHER

17 RESOLVED, THAT THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE
18 INCLUDE ANY ADDITIONAL INFORMATION IN ITS REPORT AS DEEMED
19 NECESSARY TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION; AND BE
20 IT FURTHER

21 RESOLVED, That the Legislative Budget and Finance Committee
22 issue a report on the COVID-19 data collected by the Department
23 of Health for the period beginning March 6, 2020, and ending
24 March 6, 2021, or for the period beginning March 6, 2020, and
25 ending ~~60~~ 90 days after expiration or termination of the <--
26 Governor's declaration of disaster emergency issued on March 6,
27 2020, whichever is later; and be it further

28 RESOLVED, That the Legislative Budget and Finance Committee
29 issue interim reports every ~~60~~ 90 days beginning 90 days after <--
30 the adoption of this resolution on the COVID-19 information

1 collected and any interim findings.