



MICHIGAN HOUSE OF REPRESENTATIVES

Mr. Monty Wilkinson, Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Acting Attorney General Wilkinson,

As representatives of people throughout Michigan, we have heard heartbreaking stories from those who have loved ones and friends in nursing homes during the ongoing COVID-19 pandemic. For months, they have been worried for the health and safety of these individuals in this unprecedented time.

COVID-19 cases and deaths among the elderly have soared over the past year. It is a portion of the population that is especially susceptible to infection and death. This unfortunate element of the virus has been known dating back to one of the very first documented outbreaks in Washington state at a long-term care facility. But in our state, Gov. Gretchen Whitmer implemented a policy that was concerning and potentially unsafe as it pertains to our most vulnerable.

We are issuing a formal complaint regarding Gov. Whitmer's COVID-19 nursing home policy and request that your department open a full investigation into her administration's handling of COVID-19 mitigation within Michigan's long-term care facilities, data being used to craft decisions and adherence to CDC/CMS guidelines while policy has been implemented.

Gov. Whitmer chose a strategy that placed patients with COVID-19 into the same facilities as healthy long-term care residents. Executive Order 50 of 2020 required long-term care facilities with dedicated units to accept admission of residents who had tested positive for the virus, regardless of whether those residents may have still been contagious. The Health Care Association of Michigan sent a letter to Gov. Whitmer in March of 2020 strongly recommending new, vacant and unlicensed facilities as quarantine centers in order to mitigate spread. This recommendation was ignored.

We do not have accurate data on how many people may have been harmed by these policies. Residents were moved around the state between facilities and hospitals, which may have significantly increased the exposure of nursing home residents and staff to COVID-19. Holes in reporting have led to many unknowns. Without this information, it is immensely difficult to see

the true scope of outbreaks in a vulnerable population. This type of information can help us in the present and for crises in the future.

In addition, it was recently disclosed Gov. Whitmer's administration agreed to pay former state health department director Robert Gordon over \$150,000 in a separation deal that required both sides to maintain confidentiality about the circumstances that led to his abrupt, unexplained departure. Gordon issued many health directives after a Michigan Supreme Court decision limited Gov. Whitmer's ability to extend emergency declarations. These directives impacted lives and livelihoods throughout the state, including those in nursing homes. More information must be made available for the sake of transparency within our state government.

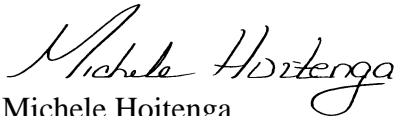
The U.S. Department of Justice (DOJ) previously announced on Aug. 26, 2020 that it is looking for data from Gov. Whitmer and three other governors who issued orders in their states that may have resulted in the deaths of nursing home residents. We formally ask that your office request copies of all data submitted to DOJ and work with members of Michigan's Legislature and Michigan's attorney general to deliver answers and protect people.

We ask the investigation to include:

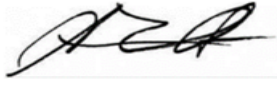
1. The data submitted to your department from the governor's office in response to requests last year;
2. Gov. Whitmer's administration's processes and policies that may have contributed to the spread of the virus among our most vulnerable nursing home residents across the state;
3. The accuracy of the data reported by Gov. Whitmer's administration, taking into consideration the discrepancies in facility reporting policies;
4. Compliance with all CDC/CMS guidelines and reporting requirements; and
5. Compliance with Michigan's Freedom of Information Act.
6. Additional information on former Department of Health and Human Services Director Robert Gordon's critical role in crafting statewide health orders, a reported payment of \$155,506 to resign from his position and what led to his departure.

Thank you for your attention and response to this critical need for transparency with lives hanging in the balance,

Respectfully,



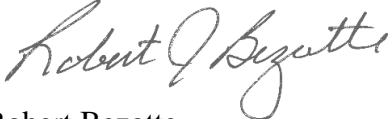
Michele Hoitenga
State Representative, 102nd District



Sue Allor
State Representative, 106th District



Joseph Bellino
State Representative, 17th District



Robert Bezotte
State Representative, 47th District



Ken Borton
State Representative, 105th District



Julie Calley
State Representative, 87th District



TC Clements
State Representative, 56th District



Diana Farrington
State Representative, 30th District



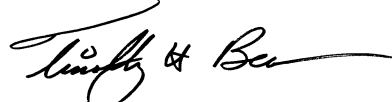
Andrew Fink
State Representative, 58th District



Julie Alexander
State Representative, 64th District



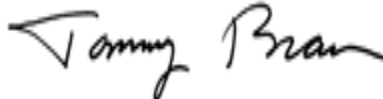
Andrew Beeler
State Representative, 83rd District



Timothy Beson
State Representative, 96th District



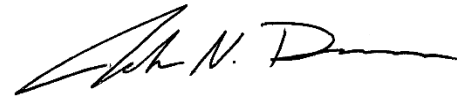
Ann Bollin
State Representative, 42nd District



Tommy Brann
State Representative, 77th District



Steve Carra
State Representative, 59th District



John Damoose
State Representative, 107th District



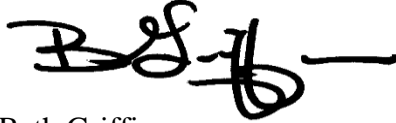
Graham Filler
State Representative, 93rd District



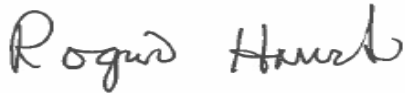
Ben Frederick
State Representative, 85th District




Annette Glenn
State Representative, 98th District



Beth Griffin
State Representative, 66th District



Roger Hauck
State Representative, 99th District



Gary Howell
State Representative, 82nd District




Beau LaFave
State Representative, 108th District



Matt Maddock
State Representative, 44th District



Gregory Markkanen
State Representative, 110th District



Luke Meerman
State Representative, 88th District



Pat Outman
State Representative, 70th District



Phil Green
State Representative, 84th District



Matt Hall
State Representative, 63rd District



Pamela Hornberger
State Representative, 32nd District



Steven Johnson
State Representative, 72nd District



Sarah Lightner
State Representative, 65th District



Steve Marino
State Representative, 24th District



David Martin
State Representative, 48th District



Jack O'Malley
State Representative, 101st District



Brad Paquette
State Representative, 78th District



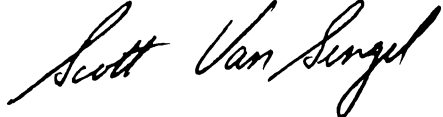
Bryan Posthumus
State Representative, 73rd District



Daire Rendon
State Representative, 103rd District



Andrea Schroeder
State Representative, 43rd District



Scott VanSingel
State Representative, 100th District



Rodney Wakeman
State Representative, 94th District



Mary Whiteford
State Representative, 80th District



Jeff Yaroch
State Representative, 33rd District




John Reilly
State Representative, 46th District



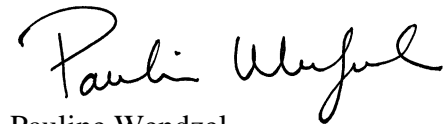
John Roth
State Representative, 104th District



Bradley Slagh
State Representative, 90th District



Greg VanWoerkom
State Representative, 91st District



Pauline Wendzel
State Representative, 79th District



Douglas Wozniak
State Representative, 36th District