

News Release

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Consumer Coalition Attacks Nursing Home" Feeding Assistant" Proposal As "Reckless"

The National Citizens' Coalition for Nursing Home Reform today sharply criticized the Department of Health and Human Services for scrapping federal nurse aide training and abuse registry requirements for a new class of nursing home workers called "feeding assistants."

Donna R. Lenhoff, executive director of NCCNHR, called the proposed regulation "reckless and unnecessary."

"In a month when we have seen an unprecedented series of government studies and hearings about nursing home neglect and abuse and the need for higher staffing standards," said Lenhoff, "the Secretary wants to reverse 15 years of modest progress in improving the qualifications of nursing home workers. Creating a new category of worker who is even more poorly trained, poorly screened and poorly paid than nurse aides is not the answer to staffing or quality of care problems."

Lenhoff said the proposal runs directly counter to findings in a three-volume study of nurse staffing that HHS sent to Congress March 19. The report identifies nursing staff-to-resident ratios necessary to provide quality care, and it concludes that unless a facility staffs at these levels, so-called "single task workers" do not make a difference.

"Secretary Thompson dismissed the report's compelling evidence for strengthening federal nurse staffing standards even as he prepared to weaken the requirements we have now," said Lenhoff.

The Nursing Home Reform Act requires nurse aides to receive at least 75 hours of initial training in a variety of nursing-related skills and to pass a competency test. States are required to maintain a registry of nurse aides who have abused, neglected or stolen property from residents. These requirements would be sharply reduced for part-time workers hired as feeding assistants, even though in critically understaffed facilities, single task workers would likely be pressed into performing nursing tasks for which they had not been trained.

HHS portrays feeding assistants as students, retired people and homemakers looking for a part-time job.

"We really do not buy this," said Lenhoff. "We believe the proposal would open the door to significant abuses of personnel requirements that are already very weak. Why should we not be concerned? HHS is allowing Wisconsin and North Dakota to flaunt the law with single task worker programs that violate the current regulations."

She noted that Wisconsin signed an agreement with the Centers for Medicare and Medicaid Services (then the Health Care Financing Administration) in December 2000 to phase out its illegal program. The *Federal Register* notice describes the program favorably and indicates it is still in place.

Lenhoff said HHS has been reckless in its nursing home staffing policies – last summer, for example, bypassing public notice and comment to issue a decision that nursing homes can use untrained, unscreened workers to transport residents.

"It must have seemed like an insignificant matter to Secretary Thompson," said Lenhoff. "But at the Senate Special Committee on Aging hearing on physical abuse in nursing homes March 4, we heard what tragic consequences can occur when staff don't perform competently."

At the hearing, a witness testified that his mother, who was in the hospital for a medical evaluation, suffered a broken finger when the hospital bed she was being transported in “was negligently pushed against a steel doorframe.” The hospital transferred her to a nursing home for rehabilitation, where she was killed by a worker who had been fired from two other facilities for aggressive treatment of residents.

“Don’t these kinds of incidents, which occur so frequently, beg for better training, supervision and screening of workers, not less?” asked Lenhoff