

June 20, 2024

The Honorable Mike Johnson  
Speaker of the House  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Charles Schumer  
Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Hakeem Jeffries  
Democratic Leader  
U.S. House of Representatives  
Washington, D.C. 20515


The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, D. C. 20510

Dear Speaker Johnson, Leader Jeffries, Leader Schumer, and Leader McConnell:

The underlying organizations representing a broad group of stakeholders are writing to strongly urge you to oppose H.R. 7513, S.3410, H.J Res 139, S.J. Res. 91 or any other bill or resolution that would bar the Centers for Medicare & Medicaid Services (CMS) from fulfilling its regulatory duty of creating safe nurse staffing standards.

As advocates on behalf of our nation's 1.2 million nursing home residents and over five hundred thousand nursing home workers, we strongly support the Administration's initiative to improve the quality of care in nursing homes. For decades, health researchers, geriatricians, nurses, and other clinical experts have recommended minimum nursing staffing requirements to improve the quality of care in nursing homes; a wide range of peer-reviewed literature demonstrates the causal connection between higher staffing and higher quality of care in nursing homes. As far back as 2001, the Center for Medicare & Medicaid Services (CMS) noted the "strong and compelling" evidence for having minimum staffing levels, even in an economy with a chronic workforce shortage. Moreover, a blue-ribbon panel convened by the National Academy of Science, Engineering, and Medicine (NASEM) in 2022 recommended minimum staffing standards for improving the quality of care in nursing homes.

H.J. Res. 139 and H.R. 7513, S.3410 not only ignore this expert advice, but would prevent CMS from ever setting any kind of staffing standard. If passed, these pieces of legislation would mean a continuation of the pattern of poor staffing in which residents receive unsafe and low-quality care. All residents, regardless of zip code, are entitled to appropriate professional nursing care.



Importantly, the final rule accommodates concerns expressed by the industry in many ways. The final rule allows nursing homes a generous period of time to prepare for the rule's implementation, with additional time for rural facilities. The final rule also contains an exemption process that would excuse facilities unable to meet staffing standards, potentially for years.

The final rule issued last month sets a minimum nursing staffing standard; it does not create a ceiling on staffing or impose a “one-size-fits-all” solution. The final rule in fact does nothing to alter a facility's statutory obligation to provide “nursing services and specialized rehabilitative services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.” Under the final rule, facilities with a higher acuity case mix would continue to be required to staff at a level appropriate to meet the needs of those residents. The minimum staffing standard sets a floor for care, not a ceiling.

The rule sets a viable standard under current labor market conditions. There are more than enough nursing home workers who left or were let go by the nursing home during the pandemic to meet the demand for additional staff. These workers – more than 155,000 trained and experienced staff – could be persuaded to return to working in a nursing home if compensation were adequate. The Administration should not forego policies that would improve the quality of care simply because one industry segment — for-profit facilities — refuses to address a workforce problem of its own creation.

Although this rule will help all nursing home residents and workers, it will be particularly beneficial for an underpaid workforce composed primarily of women and people of color. Not only will this rule likely increase wages for a CNA workforce that averages just over \$17/hour, but it will reduce the on-the-job injuries that make working in nursing homes one of the most dangerous places to work. The final regulation may do more to improve healthy equity than any other policy this Administration has implemented.

In addition, these bills and the resolution would bar CMS from implementing a number of related policies that have nothing to do with staffing but could have far-reaching consequences for improving the quality of care. The rule requires that nursing homes use evidence-based, and data driven methods when assessing resident needs and improves transparency in Medicaid spending. Passage of these bills or the joint resolution would permanently bar CMS from ever issuing regulations in these important areas.

Congress should not step in at the 11<sup>th</sup> hour to kill a regulation that is product of a thorough and fair opportunity for all stakeholders to be heard. The industry had multiple opportunities to provide input on a range of concerns affecting the practical application of a national minimum standard. It spent massively on campaign contributions and advertisements – it cannot claim it was unable to get its views across.

The final rule represents a much-needed paradigm shift in nursing home oversight to promote quality of care. These bills represent nothing short of an attack on the legal framework that protects the lives of nursing home residents and the livelihood of nursing home workers. We urge you to vote “no” on this legislation, joint resolution, and any other effort to remove these critical protections from nursing home residents and workers.

Sincerely,

#### National Organizations

A. Philip Randolph Institute	Coalition of Labor Union Women, AFL-CIO
ACA Consumer Advocacy	Commonwealth Consultants, Inc
Acres of Angels	Compassion & Choices
AFL-CIO	Disciples Center for Public Witness (Disciples of Christ)
AFT: Education, Healthcare, Public Services	DNC Seniors Coordinating Council
AgeLinc	Economic Policy Institute
ALEPH: Alliance for Jewish Renewal	Elderly Advocates, Inc.
Alliance for Retired Americans	Families USA
American Association on Health and Disability	Franciscan Action Network
American Federation of State, County and Municipal Employees (AFSCME)	Friends of Residents in Long Term Care
American Geriatrics Society	Geriatric Circle
Angel LTC Advocacy	Health & Medicine Policy Research Group
APALA, AFL-CIO (Asian Pacific American Labor Alliance)	Health Care for America Now (HCAN)
Asian Americans Leadership Council	Health Care for US
Autistic Self Advocacy Network	ICNA Council for Social Justice
Battle Born Progress	Indian People's Action
Black Church Center for Justice and Equality	International Association of Machinists and Aerospace Workers
California Advocates for Nursing Home Reform	Interreligious Network for Worker Solidarity
Caregivers for Compromise	Jewish Labor Committee
Caring Across Generations	Jewish War Veterans of the U.S.A.
Center for Elder Law & Justice	Jewish Women International
Center for Health and Social Care Integration at RUSH	Justice in Aging
Center for Medicare Advocacy	Kalmanovitz Initiative for Labor & the Working Poor
Clergy and Laity United for Economic Justice (CLUE)	Kelinson & Lerner, PLC
Coalition of Black Trade Unionists	Keshet
	Limitless Judaism
	Long Term Care Community Coalition
	Medicare Rights Center

National Adult Protective Services Association  
National Association of Local Long Term Care Ombudsman (NALLTCO)  
National Association of Social Workers (NASW)  
National Association of State LTC Ombudsman Programs  
National Committee to Preserve Social Security and Medicare  
National Consumer Voice for Quality Long-Term Care  
National Disability Rights Network (NDRN)  
National Employment Law Project  
National Health Law Program  
National Nurses United  
National Partnership for Women & Families  
National Rainbow PUSH Coalition  
National Women's Law Center  
Native American Disability Law Center  
NETWORK Lobby for Catholic Social Justice

Pax Christi USA  
PHI  
Pride at Work  
Progressive National Baptist Convention, Inc.  
Reconstructionist Rabbinical Association SEIU  
Senior Services Plus, Inc  
Social Justice Commission, Progressive National Baptist Convention, Inc.  
Society for Humanistic Judaism  
Steelworkers Organization of Active Retirees (SOAR)  
The Center for Law and Social Policy  
The Workers Circle  
Union for Reform Judaism  
Union Veterans Council, AFL-CIO  
Unitarian Universalists for a Just Economic Community  
Unitarian Universalists for Social Justice  
United Steelworkers (USW)  
Well Spouse Association  
Workplace Fairness

#### State Organizations

Albemarle Commission Area Agency on Aging  
Arise Chicago  
AriYael Jewish Healing Center  
Arizona Alliance for Retired Americans  
Arizona Long-Term Care Ombudsman Program  
Bear River Area Agency on Aging  
CA Office of the State Long-Term Care Ombudsman  
California Association of Long Term Care Medicine (CALTCM)  
California Labor Federation, AFL-CIO  
California Long-Term Care Ombudsman Association  
California Nurses Association/National Nurses Organizing Committee


Center for Advocacy for the Rights and Interests of Elders (CARIE)  
Central Iowa CWA Retiree's  
Chicago Jewish Labor Committee  
Chicago Votes  
Chicago Women Take Action  
Citizen Action of Wisconsin  
City of Evanston Health and Human Services  
City of Poquoson  
Colorado Alliance for Retired Americans  
Colorado State Long-Term Care Ombudsman Program  
Community Legal Aid, Society, Inc.  
Connecticut AFL-CIO  
Dar al-Hijrah Islamic Center  
DC Nurses Association  
Delaware AFL-CIO Council

Delaware Building Trades Council  
Dignity Alliance Massachusetts  
Disability Law Center (MA)  
Disability Law Center of Alaska  
Disability Law Center of Utah  
Disability Rights Arizona  
Disability Rights California  
Disability Rights Center - NH  
Disability Rights Florida  
Disability Rights Idaho  
Disability Rights Maine  
Disability Rights Michigan  
Disability Rights New Jersey  
Disability Rights North Carolina  
Disability Rights of West Virginia  
Disability Rights Oregon  
Disability Rights South Carolina  
Disability Rights Texas  
Disability Rights Vermont  
East Alabama Regional Planning and  
Development Commission  
Eastern Shore Area on Aging/Community  
Action Agency  
Elder Justice Committee of Metro Justice  
Elder Voice Advocates  
Falmouth Jewish Congregation  
Florida Alliance for Retired Americans  
Fresno-Madera Long Term Care  
Ombudsman Program  
Georgia Office of the State Long-Term  
Care Ombudsman  
Golden Crescent Ombudsman Program  
Golden Crescent Regional Planning  
Commission  
Granite State Organizing Project  
Granite State Progress  
Gray Panthers NYC  
Greater Fairfax Missionary Baptist Church  
Harris County Long-Term Care  
Ombudsman Program  
HCA/PNHP-Humboldt  
Illinois AFL-CIO  
Illinois Aging Together

Illinois Association Long Term Care  
Ombudsmen (IALTCO)  
Illinois State Association of Letter  
Carriers  
Indiana Alliance for Retired Americans  
Indiana Long Term Care Ombudsman  
Program  
Indivisible Iowa  
Interfaith Worker Justice - New Mexico  
Interfaith Worker Justice of East  
Tennessee  
Iowa Alliance for Retired Americans  
Iowa Citizen Action Network  
Iowa Citizens for Community  
Improvement  
Iowa Federation of Labor AFL-CIO  
Iowa Office of the State Long-Term Care  
Ombudsman  
Jewish Community Relations Council  
(JCRC) of the Jewish Federation of Greater  
Philadelphia  
Kansas AFL-CIO  
Kentucky Alliance for Retired Americans  
Kentucky Protection and Advocacy  
Kentucky River ADD Long Term Care  
Ombudsman Program  
Lafayette Ave. Presbyterian Church,  
Brooklyn, NY  
Lakeshore Foundation  
Larimer County Ombudsman Program  
Long Term Care Ombudsman Program,  
Vermont Legal Aid  
LTC Ombudsman Services of San Luis  
Obispo County (CA)  
Maine AFL-CIO  
Maine Long Term Care Ombudsman  
Program  
Maine People's Alliance  
Maryland Catholic Labor Network  
Massachusetts AFL-CIO  
McHenry County Jewish Congregation  
Metro New York Health Care for All  
Metro-Detroit CLUW  
Michigan AFL-CIO

Michigan Alliance for Retired Americans  
Michigan Elder Justice Initiative  
Michigan Long Term Care Ombudsman  
Program  
Michigan Nurses Association  
Minnesota Nurses Association  
Native Voters Alliance Nevada  
NC State AFL-CIO  
NC State Long-Term Care Ombudsman  
Program  
ND Office of the State Long-Term Care  
Ombudsman  
Nebraska State AFL-CIO  
Nevada State AFL-CIO  
New Hampshire AFL-CIO  
New Hampshire Conference United  
Church of Christ, Economic Justice Team  
New Hampshire Faith & Labor Alliance  
New Hampshire Office of the Long Term  
Care Ombudsman  
New Jersey Citizen Action  
New Jersey Jewish Labor Committee  
New Jersey State AFL-CIO  
New Mexico Alliance for Retired  
Americans  
New York Alliance for Retired Americans  
New York Jewish Agenda  
New York State AFL-CIO  
New York State Nurses Association  
NJ Office of Long-Term Care Ombudsman  
North Carolina Regional Long Term Care  
Ombudsman Association  
North Dakota Protection and Advocacy  
Project  
NY Office of the State Long Term Care  
Ombudsman  
NY StateWide Senior Action Council  
Occupy Bergen County  
Office of the Colorado State Long-Term  
Care Ombudsman Program  
Office of the DC Long Term Care  
Ombudsman  
Office of the RI State Long Term Care  
Ombudsman

Office of the Virginia State Long-Term  
Care Ombudsman  
Ohio Alliance for Retired Americans  
Educational Fund  
Ohio District 5 Long-Term Care  
Ombudsman Program  
Oklahoma Disability Law Center  
Ombuds of Grays Harbor  
Or Hamidbar, Palm Springs  
Our Mother's Voice  
Pennsylvania AFL-CIO  
Pennsylvania Alliance for Retired  
Americans  
Pennsylvania Policy Center  
Piedmont Triad Regional Council Area  
Agency on Aging  
Pima Council on Aging  
Pinal-Gila Council for Senior Citizens  
PPACG - Area Agency on Aging  
Pro Seniors, Inc  
Pro Seniors, Inc. and Ohio Region 1 Long-  
Term Care Ombudsman Program  
Progress Iowa  
Region 10 Long Term Care Ombudsman  
Program South Carolina  
Regional Family Council Consortium  
Network  
Rhode Island AFL-CIO  
Rhode Island Alliance for Retired  
Americans  
Santa Clara County Single Payer Health  
Care Coalition  
Senior Advocacy Services  
Senior Connections  
Senior Connections, the Capital Area  
Agency on Aging  
Senior Resource Development Agency  
(SRDA)  
SeniorCare  
Shawnee Health  
Socialists for CalCare  
South Carolina Alliance for Retired  
Americans



SouthEastern Arizona Governments  
Organization  
Southwest Iowa Indivisible  
State of Colorado Ombudsman Office  
SWPA CLUW  
Tennessee Office of the State LTC  
Ombudsman  
Texas Caregivers for Compromise  
The Chicago Chapter National Black  
Nurses Association  
The Hale Group, an Iowa-based Advocacy  
Firm  
The Office of the State Long-Term Care  
Ombudsman, Mississippi  
The Senior Source  
TN AFL CIO  
United Action for Idaho  
United Food & Commercial Workers  
International Union (UFCW)  
United Vision for Idaho  
Virginia AFL-CIO  
Virginia Organizing  
VOYCE  
Washington LTC Ombudsman Program  
Washington State Alliance for Retired  
Americans  
Washington State Regional Long Term  
Care Ombudsman Program  
West Virginia Center on Budget and Policy  
WI Board on Aging and Long Term Care  
Wisconsin Alliance for Retired Americans  
Wisconsin State AFL-CIO  
WV Citizen Action  
Wyoming Long-Term Care Ombudsman  
Program