



The National
CONSUMER VOICE
for Quality Long-Term Care

March 5, 2024

The Honorable Jason Smith
Chairman
Committee on Ways and Means
U.S. House of Representatives

The Honorable Richard Neal
Ranking Member
Committee on Ways and Means
U.S. House of Representatives

Dear Chairman Smith and Ranking Member Neal:

The National Consumer Voice for Quality Long-Term Care (Consumer Voice) urges the Committee to reject H.R. 7513, which would prohibit the Centers for Medicare and Medicaid Services (CMS) from fulfilling its regulatory duty of creating safe staffing standards in nursing homes. Consumer Voice is the leading national voice representing consumers in issues related to long-term care. We are a primary source of information and tools for consumers, families, caregivers, advocates, and ombudsmen to help ensure quality care for the individual. Consumer Voice has nearly 50 years' experience advocating for quality nursing home care. Strong federal minimum staffing standards are necessary to protect resident health and safety.

Despite the recommendation for minimum staffing levels in a CMS Study more than 20 years ago, no standard was ever established. Instead, the vague requirement of having "sufficient staff" has resulted in widely varying staffing levels across facilities, and subjected residents to substandard care, and staff to untenable working conditions.

During the COVID-19 pandemic, over 200,000 residents and workers died from COVID-19. Countless others died from isolation and neglect. To address the underlying problems that resulted in the devastation in nursing homes, President Biden announced an ambitious set of reforms, the centerpiece of which was a minimum staffing standard. Importantly, these reforms enjoy great public support, with one survey from AARP finding that 80% of respondents supported a minimum staffing standard.

Hundreds of studies have found that nursing homes that provide high-quality staffing have better health outcomes for residents. Residents living in nursing homes with less staff experience higher levels of pressure ulcers, falls, neglect, and abuse. A strong minimum staffing standard would promote high quality care for all residents and help protect them from harm and neglect in nursing homes.

Since announcing its intent to set a staffing standard, CMS issued a [Request for Information](#), undertook a study, and [proposed a regulation](#) which solicited tens of thousands of comments from stakeholders. All interested parties, including the nursing home industry, have had ample opportunity to provide input into the feasibility and substance of any standard. HR 7513, however, seeks to bypass this established process and prohibit CMS from promulgating not only this rule, but any rule that would create a staffing standard. Such an action would perpetuate substandard conditions that currently exist for many nursing home residents.

In a new Consumer Voice [survey report](#) of more than 120 nursing home residents, 88% stated their facilities lacked the staff necessary to meet the needs of the residents living there. 87% of residents said understaffing affects them every day or several times per week; and 74% reported that they, or someone they know in their facility, has been neglected or hurt because of understaffing. Residents' comments included:

- “Aides say they have too many people to take care of. I have to wait.”
- “I’ve waited up to three hours for help and that’s just one of many everyday occasions.”
- “I have endured so much medical and emotional neglect. Staff are so stressed.”

Importantly, the staffing standard proposed by CMS is quite modest. It would only affect the most poorly performing homes and provides waivers to facilities who make good faith efforts to meet the regulatory requirements. The proposed implementation times are also quite generous to providers, more than three years for most facilities, and additional time for rural providers.

Claims that there are no people who want to work in nursing homes do not tell the whole story. The average turnover in nursing homes annually is 52%, according to CMS. Nursing home workers leave because they are underpaid, overworked, and under-appreciated. Competitive compensation and improved working conditions must be a priority to retain current staff, as well as recruit new staff, and entice those that left or were let go during the pandemic to return. These are steps providers can start taking now. Additionally, efforts are already underway at CMS and other agencies around workforce development to support efforts to recruit and train new caregivers.

Further, safe staffing is possible. Thousands of nursing homes, mostly non-profit facilities, currently staff well above the standard in the proposed rule. In fact, non-profit homes staff nearly 25% higher than for-profit nursing homes, with much less

turnover. We must seek to address why nursing home residents receive such disparate care, not derail a process for protecting residents.

Nursing homes receive more than \$80 billion taxpayer dollars through Medicare and Medicaid to care for our nation's most vulnerable seniors. It is not unreasonable that we should expect quality care for those dollars. Requiring baseline staffing levels is a critical step for achieving dignity and quality for those residents. Thus, we urge the Committee to reject H.R. 7513.

If you have any questions, or need additional information, please contact Sam Brooks, Director of Public Policy, at sbrooks@theconsumervoice.org.

Sincerely,

A handwritten signature in cursive script that reads "Lori Smetanka". The signature is written in black ink and is positioned below the word "Sincerely,".

Lori Smetanka
Executive Director