

December 5, 2024

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

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

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

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

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

On May 10, 2024, the Biden-Harris Administration announced a modest but important step in addressing the most poorly staffed nursing facilities in the country: a national minimum staffing standard for nursing homes participating in Medicaid and Medicare. The rule would ensure that our nation's 1.2 million nursing home residents receive high-quality care, while also ensuring a safe work environment for healthcare personnel in these settings. Nursing home residents are among our most vulnerable citizens. Nothing made that clearer than the COVID-19 pandemic, when more than 200,000 residents died from COVID-19, many due to inadequate staffing. Unsafe staffing levels also accelerated burnout and attrition among nurses and other caregivers in these settings. Today, nursing home residents struggle to receive timely care in these facilities across the country, including in facilities located in rural and medically underserved communities. These conditions consequently jeopardize the health and safety of these vulnerable Americans who, frankly, deserve better.

On the heels of this catastrophe, the Biden-Harris administration sought to implement a comprehensive set of policies to prevent the recurrence of such suffering and horrific loss of life. The national minimum staffing rule is the centerpiece of this effort.

The rule also seeks to make nursing home jobs better. There is a job-quality crisis in American nursing homes. The average wage for a certified nursing assistant is \$19 per hour, less than that for a retail sales worker, in some instances. Wages are so low that many workers qualify for public benefits such as Medicaid and SNAP (Food Stamps). Low wages and impossible workloads explain why the average annual staff turnover in nursing homes is 52% and recruitment of new workers is difficult. The staffing rule's requirement for a minimum level of staffing is a crucial step towards improving the quality of nursing home jobs and the safety of both workers and patients.

Since the Biden-Harris Administration announced it would seek to implement a staffing rule, the billion-dollar nursing home industry has sought to block it. They have spent millions of dollars to oppose what is a modest rule. The nursing home industry has also partnered with allies on Capitol Hill to introduce and advance legislation that would overturn the rule and prevent the U.S.

Department of Health and Human Services from issuing similar regulations to safeguard the health and safety of nursing home residents in the future.

Industry opposition makes little sense when many facilities already meet or exceed specific components of the staffing rule and when the rule's total ratios are less than current national averages. There is virtually universal agreement that facilities should employ registered nurses around the clock. Fundamentally, it is a rule designed to address the poorest-performing homes in the country. It requires that nursing homes receiving billions of taxpayer dollars each year invest in workers and residents.

We urge you to oppose any legislation or end-of-the-year deal that derails or postpones this landmark Biden-Harris Administration achievement. Rolling back protections for our country's most vulnerable citizens would have catastrophic effects on residents, their families, and nursing home workers. Stand with residents and workers by opposing efforts to make nursing homes less safe.

Sincerely,

AFL-CIO

American Federation of State, County and Municipal Employees (AFSCME)

American Nurses Association

California Advocates for Nursing Home Reform

Center for Medicare Advocacy

Elder Justice Coalition

Geriatric Circle

The Hale Group

Justice in Aging

Kelinson & Lerner, PLC

National Association of Social Workers (NASW)

National Committee to Preserve Social Security and Medicare

National Consumer Voice for Quality Long-Term Care

National State Long Term Care Ombudsman Programs (NASOP)

PHI

Service Employees International Union (SEIU)

United Food and Commercial Workers (UFCW)

United Steelworkers (USW)