

SKILLED NURSING Unfunded Minimum Staff Mandate SOLUTION



Our Ask for Congress:

Please cosponsor the Protecting American's Seniors' Access to Care Act (S. 3410/H.R. 7513), introduced by Michelle Fischbach (R-MN-07) and Greg Pence (R-IN-6) in the U.S. House of Representatives and Deb Fischer (R-NE), Jon Tester (D-MT), Roger Marshall (R-KS), Joe Manchin (D-WV), James Lankford (R-OK), Kyrsten Sinema (I-AZ), Angus King (I-ME), Susan Collins (R-ME) and Roger Wicker (R-MS) in the U.S. Senate. This is a straightforward bill that would prohibit the Department of Health and Human Services from finalizing a proposed rule regarding minimum staffing for nursing facilities and would also establish an advisory panel on the nursing home workforce.

Background

In September of 2023, the Centers for Medicare & Medicaid Services (CMS) released a proposed rule for minimum staffing in skilled nursing facilities. Implementation of the unfunded, one-size-fits-all rule amid a historic and nationwide labor shortage threatens the displacement of nearly 300,000 nursing home residents. This mandate will neither improve care nor address the workforce crisis. Without workforce development programs or funding, a staffing mandate will not create more caregivers or help nursing homes offer more competitive, higher-paying jobs. This impossible standard only threatens to shut down more nursing homes and severely limit access to care for our nation's most vulnerable seniors. Without a pipeline of new caregivers and resources to recruit, nursing homes will be forced to downsize or close to meet these requirements.

Since the federal staffing mandate was announced, there has been a growing consensus among Members of Congress on both sides of the aisle, long term care advocates, and health care experts that the proposal will hurt our most vulnerable and that the Biden Administration should reconsider its implementation.

Protecting Rural Seniors' Access to Care Act:

The bipartisan Protecting American's Seniors' Access to Care Act (S. 3410/H.R. 7513) would prohibit the U.S. Department of Health and Human Services (HHS) Secretary from finalizing a proposed nursing home staffing rule that could hurt facilities across the country and force closures creating access issues.

The legislation would also establish an advisory panel on nursing home staffing. It would include voices from both urban and rural communities and range from nurses to licensed administrators to CMS. Within 60 days following their initial meeting, the panel would submit a report to Congress that analyzes workforce shortages and makes recommendations to strengthen the workforce (including investments in training for health professionals).

Supporters:

Between the Senate and House legislation, there are close to 1,100 national, state, and care provider organizations endorsing it. In addition to the American Health Care Association/National Center for Assisted Living, supporting organizations include such groups as the American Association of Post-Acute Care Nursing, American Hospital Association, American Seniors Housing Association, American Society of Consultant Pharmacists, Association of Jewish Aging Services, Catholic Health Association of the United States, Federation of American Hospitals, LeadingAge, Lutheran Services in America, National Association of State Veterans Homes, National Organization of State Offices of Rural Health and the National Rural Health Association.

Please cosponsor the Protecting American's Seniors' Access to Care Act so we can first work on bolstering our long term care workforce and ensuring our nation's seniors have access to the vital care they need.



1201 L Street NW Washington, DC 20005

www.ahcancal.org

AHCA Government Relations Staff Contact:

Phone: 202.842.4444 Email: GR@ahca.org

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