



March 5, 2024

The Honorable Jason Smith  
Chairman  
Committee on Ways and Means  
United States House of Representatives  
1139 Longworth House Office Building  
Washington, DC 20515

The Honorable Richard Neal  
Ranking Member  
Committee on Ways and Means  
United States House of Representatives  
1139 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Smith and Ranking Member Neal:

AARP, which advocates for the more than 100 million Americans age 50 and over, urges the Committee to reject H.R. 7513, which would allow nursing homes that accept taxpayer dollars to operate understaffed facilities that jeopardize the health and safety of their residents. Poorly staffed nursing homes can have a devastating impact on residents and their families. When Medicare and Medicaid pay for Americans' care in those facilities, families and taxpayers should expect the staff is there to provide essential care.

Nursing homes lead with the word “nursing” in their names because they rely on registered nurses (RNs) and direct care nursing teams to provide quality and safe care to their residents. Safe care is not possible without an adequate number of qualified nursing staff, including licensed practical nurses/licensed vocational nurses (LPNs/LVNs) and certified nursing assistants (CNAs) led by an onsite RN around the clock.

AARP has heard from thousands of our members whose loved ones suffered because of poor staffing in nursing homes. We heard from Laurie in Virginia, who cared for her mother who lived in a nursing home. She noted that her mother “would have to lay in her urine-soaked sheets on her bed or her urine-soaked pants,” sitting and waiting for assistance. “Many times, I had to beg a nurse or med tech to help a CNA so that my mother could be moved or changed,” Laurie said. “However, a nurse or med tech would tell me that they were busy with other residents and that they did not have time to help my mother. It was a very painful situation day in and day out. I visited my mother daily, and I was always stressed out, wondering if there would be enough help for my mother...Lack of staff is the number one issue in nursing homes today. Residents are not getting the level of care they need due [to] poor staffing and are suffering greatly.”

News reports also regularly capture the issue. In Thomasville, [North Carolina](#), two nursing home residents were found dead after 98 residents were under the care of only one licensed practical nurse and two certified nursing assistants. It was emergency responders who found two of the nursing home residents dead and two others in critical condition. In [Connecticut](#), we saw reports of residents waiting for hours without trips to the bathroom, not receiving meals, and more.

The devastation and experiences that too many have faced is unconscionable. At the same time, taxpayers spend over \$80 billion annually through [Medicare](#) and [Medicaid](#) to provide the hands-on care our most vulnerable seniors need. American families expect that nursing homes are using these federal dollars to provide quality care. Unfortunately, that is not always the case, which is why AARP advocated for the Department of Health and Human Services to issue basic staffing standards that nursing homes receiving taxpayer dollars must maintain. The process to develop the proposal has been open: the Centers for Medicare & Medicaid Services (CMS) requested information in 2022 to inform the proposed rule, had additional opportunities for stakeholders to provide feedback, conducted a study, and had a public comment period. There have been opportunities for stakeholders with various views on the issue to provide input, including [our comments](#) on the proposed rule. It would be wrong for Congress to circumvent this process and prohibit even a basic, commonsense, minimal standard of staffing in taxpayer-funded nursing homes.

### **The Importance of Staffing Regarding Quality**

It has long been known that [higher nurse staffing](#) “improves both the process and outcome measures of nursing home quality.” RNs have a particularly positive impact, but [total nursing staff](#), including LPNs/LVNs and CNAs, “is also important.” Research consistently shows that higher RN staffing levels are associated with better resident care quality across multiple dimensions of care, including fewer pressure ulcers, lower restraint use, decreased infections; lower pain; improved activities of daily living (ADLs) independence; less weight loss, dehydration, and insufficient morning care; less improper and overuse of antipsychotics; and lower mortality rates. A [strong relationship](#) exists “between higher nurse staffing levels in nursing homes and reduced emergency room use and rehospitalizations from nursing homes. The strongest relationships are found between higher nurse staffing levels and lower deficiencies...for poor quality care issued by state surveyors.” The COVID-19 pandemic shined an exceptionally bright light on this challenge. [One study](#) found nursing homes with higher RN staffing are strongly associated with fewer COVID-19-related deaths.

We appreciate that it will be a transition for some nursing home operators to plan and prepare for a federal staffing standard. However, instead of barring the agency from its responsibility to ensure taxpayer dollars are appropriately spent, Congress should work with stakeholders to bolster the workforce, which is much in demand. Congress is well-positioned to support that transition by focusing resources on workforce development. AARP understands that staffing, especially in rural areas, can be challenging, and we note that CMS included *significant* flexibility for these facilities. The proposed rule contains staggered implementation timelines and longer implementation timeframes for nursing homes in rural areas. Initiatives that support workforce development are already underway at CMS and other agencies and can be bolstered to support timelier implementation. We also specifically encourage technical assistance to support rural facilities, as well as facilities and areas that have historically struggled to provide adequate staffing. However, rural seniors, like those living in suburban and rural communities, deserve quality care.

AARP urges the Committee to reject H.R. 7513 and, instead, protect the fundamental right of Americans to live in dignity in nursing homes. We must ensure that facilities receiving taxpayer

dollars provide the care they are being paid to provide. These basic staffing levels are long overdue. Nursing home residents and their families cannot wait any longer. If you have any questions, please get in touch with me or Rhonda Richards on our Government Affairs staff at [r-richards@aarp.org](mailto:r-richards@aarp.org).

Sincerely,

A handwritten signature in purple ink that reads "Bill Sweeney". The signature is written in a cursive style with a large initial "B".

Bill Sweeney  
Senior Vice President  
Government Affairs