



Lee Saunders  
President

Elissa McBride  
Secretary-Treasurer

**Vice Presidents**

Jody Barr  
New Britain, CT

Denise Berkley  
Albany, NY

Mark Bernard  
Boston, MA

Ron Briggs  
Latham, NY

Connie Derr  
Albuquerque, NM

Daniel DiClemente  
Rochester, NY

Shannon S. Douvier  
St. Cloud, MN

Denise Duncan  
San Dimas, CA

Rick G. Ellander  
Des Moines, IA

Craig A. Ford  
Newark, NJ

Henry A. Garrido  
New York, NY

R. Sean Grayson  
Worthington, OH

Vicki Hall  
Tallahassee, FL

J. David Henderson  
Harrisburg, PA

Johanna Puno Hester  
San Diego, CA

Kathryn Lybarger  
Oakland, CA

Roberta Lynch  
Chicago, IL

Christopher Mabe  
Westerville, OH

Douglas Moore Jr.  
San Diego, CA

Patrick Moran  
Baltimore, MD

Michael Newman  
Chicago, IL

Corey Hope Nicholson  
Portland, OR

Debbie Parks  
Hamilton, NJ

Randy Perreira  
Honolulu, HI

Steven Quick Sr.  
Indianapolis, IN

José Ramirez  
San Juan, PR

Lawrence A. Roehrig  
Lansing, MI

Joseph P. Rugola  
Columbus, OH

Alan F. Shanahan  
Los Angeles, CA

Paul Spink  
Milwaukee, WI

Mary E. Sullivan  
Albany, NY

Tom Tosti  
Plymouth Meeting, PA

Anthony Wells  
New York, NY

Mike Yestranski  
Olympia, WA

March 5, 2024

The Honorable Jason Smith  
Chairman  
Committee on Ways and Means  
U.S. House of Representatives  
1139 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Richard Neal  
Ranking Member  
Committee on Ways and Means  
U.S. House of Representatives  
1102 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Smith and Ranking Member Neal:

On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I write to request that this letter be included in the record for the Committee’s markup on the Protecting Rural Seniors’ Access to Care Act (H.R. 5796).

AFSCME strongly opposes H.R. 5796, which would prevent the Department of Health and Human Services (HHS) from finalizing a proposed rule on minimum staffing nursing home facilities and explicitly forbids HHS from issuing any substantially similar rule, effectively restraining HHS indefinitely. This HHS-proposed nurse staffing rule is overdue and needed to address inadequate staffing, attract and retain workers and improve quality of care for residents.

Tens of thousands of AFSCME members work in our nation’s long-term care system night and day to provide vital quality services to the elderly, people with disabilities and others. Whether in State Veterans’ Homes, nursing homes, clients’ homes, Intermediate Care Facilities for Individuals with Developmental Disabilities, or in other community settings, the assistance and supports we provide, such as personal care, bathing, cooking and housekeeping, allow people to live with dignity and respect. We are nurses, direct care workers, aides, dietitians and food service workers, therapists, and others.

AFSCME supports the proposed rule by the Biden administration that would establish a federal floor for staffing levels to prevent owners of nursing homes – both public and private – from slashing staffing to unsafe levels. There is extensive evidence indicating that increased levels of direct care staffing in nursing homes correlate with enhanced quality of care and better health outcomes for residents. For-profit nursing homes tend to maintain lower staffing levels compared to their public or non-profit counterparts, with the most notable disparities observed in the staffing of Certified Nursing Assistants (CNAs) and Registered Nurses (RNs).

The proposed rule would require every nursing home facility in the nation, including many State Veterans’ Homes, to have a registered nurse on-site 24/7, as well as a certain minimum number of registered nurses and nurse aides to provide routine care. While we are supportive of the proposed rule, we believe it should be strengthened by creating a licensed

**American Federation of State, County and Municipal Employees, AFL-CIO**

TEL (202) 429-1000 FAX (202) 429-1293 TDD (202) 659-0446 WEB www.afscme.org 1625 L Street, NW, Washington, DC 20036-5687

practical nurse (LPN) specific standard, which is important for our members as well as the well-being of nursing home residents.

This proposed rule on minimum staffing in long-term care facilities represents a long overdue effort to improve the quality of care and working conditions in nursing homes that receive taxpayer dollars. It puts into policy the strong recommendations of health researchers, nurses and other clinical experts who have studied this issue for decades.

Inadequate staffing standards in nursing homes have persisted for far too long. It is challenging to attract and retain workers to this sector, which is often plagued by low wages and meager benefits. According to a report by PHI, the median hourly wage for nursing home workers in 2022 was \$17.06. The median annual earnings for nursing assistants were just \$25,748 in 2021 (the most recent year available), 39 percent lived in or near poverty (defined as less than 200 percent of the federal poverty line), and 40 percent relied on public assistance programs to meet their basic needs. This dire situation not only jeopardizes the well-being of the nursing home residents but also places immense stress on the dedicated caregivers striving to provide quality care. Without addressing these systemic issues and advocating for improved working conditions, the cycle of inadequate staffing will persist, ultimately compromising the quality of care in nursing homes across the nation.

We should be rewarding “care work” which is physically and emotionally demanding. According to the Bureau of Labor Statistics, working in a nursing home is one of the most dangerous places to work. Dangers associated with nursing home jobs include lifting and repositioning patients, chemical and drug exposure, and workplace violence. Understaffing increases the likelihood of lifting injuries and puts both residents and patients at risk.

Low wages, difficult working conditions and increased workloads all drive the workforce crisis we are seeing in the long-term care industry. We need to take action to address the root causes of these issues by improving job quality for these workers. The proposed rule for nursing home staffing will help stabilize the long-term care workforce and ensure access to high-quality care.

Again, we urge you to reject H.R. 5796 as it would seek to maintain an unacceptable status quo for nursing home residents and the workers who provide their care. Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin S. Jayne". The signature is fluid and cursive, written in a professional style.

Edwin S. Jayne  
Director of Federal Government Affairs

ESJ:DH:lm

cc: Members of the Committee