



*We Will Empower Bold Change to Elevate
Human Flourishing.SM*

July 12, 2024

The Honorable Michelle Fischbach
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Greg Pence
U.S. House of Representatives
Washington, DC 20515

Dear Representatives Fischbach and Pence:

On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization representing more than 2,200 Catholic healthcare systems, hospitals, long-term care facilities, clinics, service providers, and organizations, **I would like to take this opportunity to express our support of H.J.Res. 139, a joint resolution for congressional disapproval of the rule relating to “Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting”**

The Catholic health ministry is the largest group of nonprofit health care providers in the nation. Our members include some of the oldest nursing homes and hospices in the country and address the needs of older adults throughout their lives. Through partnerships with national aging and health care organizations, CHA is committed to building age-friendly health systems that ensure that older adults receive evidence-based care that meets their unique health care needs.

CHA strongly agrees that adequate nurse staffing is essential for the well-being of nursing home residents. Numerous studies demonstrate the link between staffing and quality outcomes. However, there is less support for a direct connection between mandated levels of staffing and quality outcomes.¹ Focusing solely on registered nurses and nurse aids staffing levels imposes a one-size-fits-all numerical standard that does not reflect the complex and dynamic nature of staffing long-term care facilities to meet the patient’s needs. In addition, these standards do not consider the changing care models that more effectively and safely incorporate nurses and other health care providers into interprofessional care delivery. Finally, the rule ignores the role of clinical judgment and flexibility in the practice of nursing as staff care for patients at varying levels of acuity and fragility.

The rule comes at a time when nursing homes and all health care facilities are facing unprecedented challenges due to insufficient reimbursement and the national health care workforce shortage. Between February 2020 and February 2023, the number of facilities declined by 465 and 54% of nursing homes are not admitting new residents because of

¹ Abt Associates. (2023). Nursing Home Staffing Study Comprehensive report. Report prepared for the Centers for Medicare & Medicaid Services, xi. <https://edit.cms.gov/files/document/nursing-homestaffing-study-final-reportappendix-june-2023.pdf>.



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staffing shortages.² Against this background, the new staffing rule will further exacerbate these problems as nursing homes close or eliminate beds to meet the new standards. CMS's own estimates indicate 75% of long-term care facilities would not be able to meet the 24/7 RN staffing requirement.³ Other studies paint an even grimmer picture.⁴

Our members are committed to providing high-quality, accessible and affordable care for those who, because of frailty or chronic conditions, require continuing care in nursing homes. However, we remain deeply concerned that the Centers for Medicare and Medicaid Services (CMS) rule on staffing standards for long-term care facilities exacerbates the already significant challenges facing long-term care and health care providers across the country.

CHA stands ready to continue working with you on strengthening our nation's health system to provide access, coverage, and affordability for everyone. Please feel free to contact Paulo Pontemayor, Senior Director of Government Relations (Ppontemayor@chausa.org), or Lucas Swanepoel, Senior Director of Government Relations (Lswanepoel@chausa.org), if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Sr. Mary Haddad".

Sr. Mary Haddad, RSM
President and CEO

² CLA, Economic State of Skilled Nursing Facility (SNF) Industry, February 2023, <https://www.ahcancal.org/Newsand-Communications/Fact-Sheets/FactSheets/CLA-Economic-State-SNFs-Report-Feb2023.pdf> .

³HHS Proposes Minimum Staffing Standards to Enhance Safety and Quality in Nursing Homes, <https://www.cms.gov/newsroom/press-releases/hhs-proposes-minimum-staffing-standards-enhance-safety-and-quality-nursing-homes>

⁴ Burns, Alice, et al, "What Share of Nursing Facilities Might Meet Proposed New Requirements for Nursing Staff Hours," Kaiser Family Foundation, September 18, 2023 (updated September 22, 2023) <https://www.kff.org/medicaid/issue-brief/what-share-of-nursing-facilities-might-meet-proposed-new-requirements-for-nursing-staff-hours/>