

October 27, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Administrator Brooks-LaSure:

The undersigned organizations are writing to you today in response to the Centers for Medicare and Medicaid Services (CMS) proposed staffing rule for nursing homes, which fails to acknowledge and include Licensed Practical Nurses (LPNs) as licensed nurses.

There are more than 170,000 LPNs working in nursing homes today, [making up 13 percent of the entire nursing home workforce](#). In addition, [35 percent of all LPNs work in nursing homes and residential care settings](#), and nursing homes are LPNs largest employers. LPNs work in tandem with registered nurses (RNs), nurse aides, and other staff to deliver high-quality care to residents. It is evident that LPNs are essential members of a coordinated care team, yet the proposed federal staffing mandate gives absolutely zero credit to the vital role they play as licensed nurses. To not include LPNs with RNs is an affront to their hard work and dedication to the residents they serve.

As currently proposed, this blanket mandate not only sends the message that LPNs are not as important as other licensed nurses, but it also discourages certified nursing assistants (CNAs) who are looking for more care advancement opportunities. The exclusion of counting LPNs with RNs demonstrates just how deeply flawed this proposal is. More importantly though, a one-size-fits-all staffing mandate such as the proposed hours per resident day (HPRD) is a simplistic, outdated approach that does not consider the interprofessional collaboration model nor the need to make staffing decisions based on each unique resident and their care plans.

It is also critical to remember today's working environment: the skilled nursing profession is grappling with a historic workforce crisis, financial challenges, and the closures of nearly [600 facilities](#) within the past three years. The health care workforce continues to experience significant shortages while the demand for services has increased. According to a [new analysis](#) by CLA, if nursing homes are unable to increase their workforce to meet these new minimum staffing requirements, more than 280,000 nursing home residents, or nearly one-quarter of all residents, could be impacted (or displaced) by census reductions—limiting access to care in many communities. Our long term care professionals, including LPNs, are greatly concerned about the adverse impact this proposal could have on their residents and access to care across the country.

We are requesting the Administration to withdraw this archaic, unfunded health care policy and instead focus on meaningful, supportive ways to grow and retain the nursing home workforce. At the same time, LPNs should be recognized and regarded with RNs as nurses—that's what they are. **This means any RN requirement should include all worked hours of LPNs in it, as both are licensed nurses.** These are integral and valued members of our nursing homes, and they should be treated as such.

Please do not hesitate to contact any of our organizations should you have questions or would like to hear further our concerns.

Sincerely,

American Assisted Living Nurses Association (AALNA)
American Health Care Association/National Center for Assisted Living
Association of Jewish Aging Services (AJAS)
Lambda Psi Nu Sorority Inc.
LeadingAge
National Alliance of Wound Care and Ostomy
National Association of Licensed Practical Nurses
National Association of State Veterans Homes
National Rural Health Association