

July 24, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Biden,

Recently, we [wrote](#) to you about the need to refocus efforts to address the labor shortage in long term care instead of a federal staffing mandate. Today, we write to you to offer additional solutions that would help nursing homes continue to improve the quality of care they provide to our nation's seniors and individuals with disabilities.

We understand that the original intent of proposing additional federal staffing requirements is to enhance care—nursing home providers share in this noble cause. However, given the current and forthcoming caregiver shortage, we do not believe a federal staffing mandate will be feasible nor will it yield the intended outcome of improving care. In reality, staffing mandates will only limit access to care for our nation's seniors, as nursing homes will be forced to restrict the number of residents they can serve or close altogether. They also can lead to unintended consequences that would not improve resident care, as the Centers for Medicare and Medicaid Services (CMS) [determined](#) in 2016.

Therefore, we would like to continue to assist in offering your Administration alternative and more meaningful ways to improve quality care. In the enclosed document, we outline four policy proposals in greater detail:

- 1. Publicly Report Customer Satisfaction**
- 2. Build the Long Term Care Workforce**
- 3. Improve the Special Focus Facility Program**
- 4. Enhance CMS' SNF Value-Based Purchasing Program**

These solutions will improve the lives of our residents while advancing the following principles:

- Promote resident and family choice;
- Support and retain nursing home caregivers and helping to recruit additional caregivers;
- Incentivize nursing homes to provide high-quality care;
- Incorporate proven performance improvement approaches into the oversight system;
- Reduce overall health care costs; and
- Enhance transparency.

These proposals are complementary to our reform package, the [Care For Our Seniors Act](#), which we released in 2021 and shared with your administration at the time. Meanwhile, we must continue to ensure chronically underfunded nursing homes have the resources they need to invest in their workforce, care, services, technology, and infrastructure, which means encouraging policymakers to fund Medicaid properly and consistently. We hope to work with your Administration, members of Congress, and state policymakers to advance these solutions.

COVID-19 was an inflection point for our profession, and we believe in order to learn from this international tragedy, bold steps must be taken to improve the long term care system. However, meaningful change will not happen through unrealistic requirements and enforcement, but through collaboration and innovation.

Once again, we hope to work with your Administration on productive ways to protect our nation's nursing home residents while enhancing their quality of care and quality of life.

Sincerely,

//s//

Mark Parkinson
President & CEO
American Health Care Association & National Center for Assisted Living

Encl: KEY POLICY PROPOSALS TO IMPROVE NURSING HOME QUALITY

cc:
HHS Secretary Xavier Becerra
CMS Administrator Chiquita Brooks-LaSure

KEY POLICY PROPOSALS TO IMPROVE NURSING HOME QUALITY

1. **Publicly Report Customer Satisfaction**
2. **Build the Long Term Care Workforce**
3. **Improve the Special Focus Facility Program**
4. **Enhance CMS' SNF Value-Based Purchasing Program**

Below is more detailed information about each quality proposal.

#1: PUBLICLY REPORT CUSTOMER SATISFACTION

As previously proposed in the [Care For Our Seniors Act](#), AHCA recommends adding a customer satisfaction measure to the Five-Star rating system and Care Compare. A customer satisfaction measure for both short stay and long stay residents would elevate the resident and family voice as well as help guide consumer choice as another way for potential residents and family members to review the quality of a nursing home. Specifically, the CoreQ measure has been independently tested as a valid and reliable measure of customer satisfaction.

Adding customer satisfaction measure to the Five-Star rating system and Care Compare would provide an enhanced level of transparency to the public about resident experiences living in nursing homes. These enhancements can drive quality improvements across the nursing home sector.

#2: BUILD THE LONG TERM CARE WORKFORCE

Nursing home workforce recovery is imperative to strengthen the foundation for future quality improvements, but federal staffing mandates are not how this can be accomplished. It is critical that all stakeholders come together to provide support and prioritize resources to rebuild the long term care (LTC) workforce. We outlined extensive options for this in our [Care For Our Seniors Act workforce proposal](#), which supports implementing a multi-phase tiered approach to supply, attract and retain the LTC workforce leveraging federal, state, and academic entities.

A few key workforce enhancement solutions that could be acted upon now are:

- President Biden's reform plan for nursing homes had an action to **launch national nursing care pathways** campaign to recruit, train, retain and transition workers into LTC careers, with pathways into health-care careers like registered and licensed nurses.
- **Develop assistance programs** for affordable housing, housing down payments, and childcare assistance for nurses and certified nursing assistants (CNAs) who work in LTC.
- It is evident that we need to make it easier for individuals both already working in LTC and those who would like to enter the field. The Nurse Corps Scholarship and Loan Repayment

program could help by designating a percentage of the funds to **establish and fund a Nurse Corp Scholarship Program for RNs who commit to work in any type of LTC facility.**

- Support for legislative action directing the U.S. Department of Health and Human Services to **designate all nursing homes**, irrespective of their geographic location, **as health professional shortage areas and/or medically underserved areas** to facilitate recruitment and retention of health professionals (including CNAs, LPNs, RNs, etc.). LTC should be able to access any HRSA programs and funding opportunities that help alleviate the workforce crisis.
- Allow facilities that lose their in-house CNA training program to **reinstitute CNA training program when facilities are back in compliance.** This would increase the training programs available to develop new CNAs into the workforce.
- **Expand and streamline legal immigration opportunities for international nurses and other caregivers.** Support Congressional action to create a temporary visa option specifically for registered nurses and other much-needed health care occupations, such as CNAs, respiratory therapists, and others. We also strongly support the expedition of visas for foreign-trained nurses.

#3: IMPROVE THE SPECIAL FOCUS FACILITY PROGRAM

The current Special Focus Facility (SFF) program is not consistently delivering improved quality of care. The program can be improved by incorporating evidence-based performance improvement approaches designed to help the facility improve quality care of residents they serve and successfully graduate from the program.

#4: ENHANCE CMS SNF VALUE-BASED PURCHASING PROGRAM

The CMS Skilled Nursing Facility (SNF) Value-Based Purchasing (VBP) program has added additional measures around hospitalization, staffing and function. The VBP program's goal is to incentivize better care for Medicare beneficiaries in SNFs. However, it currently aggregates providers scores across a set of measures, with payment linked to their aggregate score.

Adding a measure about adopting systems of care related to high performance, as defined by the U.S. Dept of Commerce Malcolm Baldrige Framework, would drive systemic quality improvement not just quality improvement measure by measure. Currently, six state Medicaid VBP programs have incorporated achievement of the Malcolm Baldrige Framework. This framework is a proven approach that results in systemwide excellence and is utilized by hospitals too.

We would also recommend **adding a bonus payment** on top of the existing VBP payment **for those providers that demonstrate high performance across all the measures**, not just an aggregate score.