

August 11, 2022

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

**RE:** Federal Register Number 2022-14631 -- NPRM on Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program

Secretary Cardona:

On behalf of the American Health Care Association/National Center for Assisted Living (AHCA/NCAL), which represents more than 14,500 nursing homes and long-term care (LTC) facilities across the country that provide care to millions of people each year, I am writing to ask that you use your authority to include individuals working in nursing homes in the Public Service Loan Forgiveness (PSLF) program. The action would benefit not only those individuals caring for our nation's frail elderly who need round-the-clock medical care but also help to make elder care a viable career path for nurses and others with student loan debt.

As you know, the COVID-19 pandemic created unprecedented challenges for our entire health care and public health system. Since the beginning of the pandemic, nursing homes have lost more than 220,000 caregivers, or more than 14% of its workforce. This job loss is worse than any other health care sector, and workforce levels are now at a nearly 30-year low. Staffing challenges in LTC existed prior to COVID-19, and the pandemic exacerbated them into a full-blown crisis. In addition, there have been hundreds of LTC centers shuttered across the country often due to staffing shortages or financial challenges. Simply put, LTC closures are devastating to residents, their families, staff and the entire health care system.

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. Student loan debt is a burden for all who are in or wish to enter a career in LTC. Not only should those working in nursing homes be eligible for the PSLF program due to current workforce crisis, but also to prepare for future growth as our baby boomers continue to age. The solution AHCA is proposing is to amend 34 C.F.R. 685.219 to allow employees of organizations that provide non-governmental public service/public health and participate in the Medicare and/or Medicaid programs to be eligible for the PSLF program. The proposed definition of 'qualifying employer', whose employees are eligible for this PSLF program, excludes entities who provide non-governmental public service (which includes public health functions of employing health care practitioner and health care support occupations), if those entities are organized for-profit. That decision excludes the employees of 71% of nursing homes nationally. We have included for your reference an enclosure of the exact proposed modification we are recommending.

The entity's tax status should not play such a consequential role in access to this program for health care heroes caring for individuals in nursing homes. The enabling statute for this regulation does not require access to the program to be denied to those who work for for-profit entities, so long as the employer or employee is engaged in certain activities (e.g., public services for the elderly, full-time professionals engaged in health care practitioner occupations and health care support occupations).

Moreover, the proposed regulation on which this letter comments discusses the possibility and seeks feedback extending PSLF to doctors in for-profit enterprises who work with non-profit hospitals, as well as for-profit early childhood education employers. Nursing homes that agree to participate in Medicare and/or Medicaid are known entities to the U.S. Department of Health and Human Services. They are also inspected regularly by CMS and its contractors. None of the reasons why the Department has listed in this proposed regulation for excluding for-profit entities (less transparency and requiring more intensive investigation) apply to nursing homes with Medicare numbers and contracts, or Medicare only and Medicaid only nursing homes.

The vast majority of employees of nursing homes provide health care services, and the majority of individuals receiving care in nursing homes are having their care paid for by governmental health care financing programs—either Medicare or Medicaid. Those individuals who are providing that care should be eligible for PSLF, and we respectfully ask that the proposed rule be changed before being finalized to allow this.

Thank you for your consideration of this important matter. Please feel free to reach out with any questions to [dritchie@ahca.org](mailto:dritchie@ahca.org).

Sincerely,

A handwritten signature in black ink that reads "Dana Ritchie". The signature is written in a cursive, flowing style.

Dana Ritchie  
Senior Director of Not for Profit & Constituent Services  
American Health Care Association

**Enclosure**