

July 11, 2023

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

Dear President Biden,

As you know, your Administration is planning to soon issue a proposed rule on minimum staffing standards for our nation's nursing homes. In theory, this sounds like a good idea, but in practice, it is not. Unfortunately, proceeding with this mandate would worsen access to care for our nation's seniors and be a disaster for poorer residents who rely on Medicaid.

We all agree that every resident in our long term care settings deserves outstanding care. Our mission is centered on improving the lives of each resident in these settings. The women and men who care for them are the backbone of our nursing homes. We all want to support these frontline caregivers with proper training, compensation, working conditions, and career advancement opportunities. Nursing homes want to do more, but as a health care sector that primarily serves residents who rely on Medicaid and Medicare, we need the support of policymakers to offer not just rewarding, but competitive and coveted jobs.

For years, staff recruitment and retention challenges have existed in long term care despite significant efforts to alleviate them. Nursing homes consistently struggle to compete for clinical staff against hospitals and other health care professions as well as private industries for non-clinical staff. And for years, our organization has been consistently communicating on the need for assistance from the federal government in this area. Now, the COVID-19 pandemic has exacerbated these prior workforce challenges into a full-blown crisis.

Over the course of the pandemic, nursing homes disproportionately lost more workers than any other health care sector, including registered nurses (RN), licensed practical nurses (LPN), and certified nursing assistants (CNA). Still today, while other health care sectors have largely recovered, nursing homes need nearly [190,000 workers](#) to return to pre-pandemic levels. At the current pace, this job recovery will not occur until late 2026 at the earliest. Every nursing home in America is trying to hire workers, but they are not out there. According to the National Council of State Boards of Nursing (NCSBN), [100,000 RNs](#) left the workforce during pandemic. The lack of interested or qualified candidates means that for some nursing homes, especially in rural communities, job postings for nursing positions have gone [unanswered for years](#).

The overwhelming labor shortage has created a vicious cycle of burnout for our current staff and an untenable situation for our notoriously underfunded nursing homes. Nursing homes recognized and met the need to [increase wages](#) for full-time nurses and nurses' aides in recent years, yet recruitment challenges persist. Refusing to compromise on care but unable to find additional caregivers, nursing homes are having to ask existing staff to work overtime or extra

shifts. Nursing homes are also having to increasingly rely on costly, contracted staff. However, these temporary contracted caregivers are associated with poorer outcomes given the reduced familiarity with the residents, and staffing agencies are charging [22 to 28 percent more](#) than pre-pandemic levels for contract nurses. With limited government funding, these soaring labor costs are unsustainable. An unfunded federal staffing mandate would only exacerbate this situation and accelerate the burnout of existing staff as well as the reliance on agency staff, creating unintended consequences for the quality of care for residents.

Most concerning, the current labor shortage is creating an access to care crisis for our nation's seniors. More than half of the nation's nursing homes are currently [restricting new admissions](#) and nearly one-quarter have downsized their facility—closing a unit, wing, or floor—due to labor shortages. This impact is reverberating across the health care spectrum. Seniors are left waiting in hospital beds for days, weeks or even months because there is nowhere to discharge them, leaving many [hospitals overwhelmed](#) and at capacity. Families are left with fewer care options for their loved ones and are forced to travel farther to visit them.

Even more alarming are the more than 500 nursing homes that have [closed](#) over the course of the pandemic, often due to an inability to find workers. More than four in 10 of these closures were highly rated, four and five-star facilities. Nursing home closures are devastating to residents, families, staff, and communities. Residents are displaced from familiar caregivers and long-standing communities, which is detrimental to their health and wellbeing. Dedicated caregivers are out of a job and forced to find employment elsewhere.

Unfortunately, this labor situation is not going to improve. The NCSBN also estimates that almost [900,000](#), or one-fifth of RNs, intend to leave the profession by 2027. And we don't have a pipeline of new nurses to replace them. Enrollment in nursing programs [decreased](#) for the first time in more than two decades last year. Meanwhile, the changing demographics of the country demonstrate that with a [rapidly growing elderly population](#), we won't have enough younger people to care for them in the future.

We all want more nurses in all health care settings, but our nation's nursing shortage would make a new staffing mandate impossible to implement. For nursing homes to meet a federal staffing requirement some critics are arguing for, it would require hiring [191,000 additional caregivers](#), including more than 44,000 RNs. It is hard for facilities to find one nurse. The assumption that there are tens of thousands available to hire is preposterous.

If your Administration imposes this mandate, more nursing homes will close, especially facilities that uniquely serve our most vulnerable. Nursing homes that primarily care for residents on Medicaid won't have the resources to recruit staff or pay for this mandate. Those facilities, as well as those who they serve and employ, will be hurt the most. To reiterate, this policy will have the opposite impact than intended. The unintended consequences will be numerous and damaging to the nation's ability to serve seniors in need.

Moreover, the decreasing availability of nursing home care cannot be replaced by home and community-based services (HCBS). Not only do nursing home residents require around-the-clock clinical care, but HCBS programs are not equipped to care for this influx of displaced

seniors. The home care workforce faces similar labor challenges and [has not kept pace](#) with the increasing demand for HCBS.

This does not mean that we should do nothing. Nursing home residents deserve excellent, customized care, and we need to support and grow our workforce. Instead of a mandate, we need to implement 21st Century solutions to this 21st Century problem. Those include changing our immigration policies to attract thousands of international nurses, using innovative technology to help provide better care with fewer people, and continuing our efforts to help seniors stay at home as long as possible.

At the same time, we can rebuild our workforce, better support our caregivers, and address the looming caregiver shortage through more supportive actions. More than two years ago, we proposed [a number of policies and investments](#) that would help recruit, train, and retain long term caregivers to bolster our workforce. Given the acute nature of the long term care workforce crisis, we need a concerted effort for our profession. We hope to work hand in glove with your Administration on these targeted approaches to rebuild and strengthen the long term care force.

It's not too late to reconsider this staffing mandate proposal and refocus on more meaningful solutions. Much has changed since your Administration announced this policy proposal some 18 months ago. Hundreds of nursing homes have closed, a mass exodus of nursing staff across health care has occurred, and the evidence of a future nursing shortage is profound. It's time to work together on real solutions.

We all want better care in nursing homes. Let's not make things worse in our efforts to improve.

Sincerely,

//s//

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