

United States Senate

June 16, 2023

Shalanda Young
Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Director Young:

I write to express my concerns on a proposed rule your agency is reviewing regarding staffing mandates for nursing homes. As I made clear in previous correspondence with Center for Medicare and Medicaid Services (CMS), any minimum staffing standard for Long-Term Care Facilities but must include flexibilities for rural facilities experiencing labor shortages.

In Montana, we understand the importance of ensuring beneficiaries of federal health care programs have access to safe and high-quality nursing care. However, I fear a one-size-fits-all staffing mandate would undermine access to care for patients, particularly in rural communities. Instead, I urge you to work with Congress and rural stakeholders on tailored solutions that address the severe workforce challenges in underserved areas.

A blanket staffing mandate would not account for individual facilities' operational capabilities and staffing circumstances. For example, minimum staffing standards that establish strict staff-to-patient ratios and/or minimum hours per resident day requirements may not reflect optimal staffing levels given differences in patients' needs and underlying conditions, as well as the skills of the personnel at-hand. CMS must provide flexibility to nursing homes in light of well-known and long-standing obstacles to the recruitment and retention of direct care workers, especially in rural and underserved areas.

I recognize your agency, as well as CMS, as a crucial partner in identifying, mitigating, and preventing future health and safety problems in nursing homes. I stand ready to work with both agencies to ensure any future actions do not further exacerbate the serious challenges already facing facilities in rural America.

Sincerely,

