

March 14, 2024

The Honorable Mike Johnson
Speaker, U.S. House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader, U.S. House of Representatives
Washington, DC 20515

Subject: H.R. 7513, the “Protecting America’s Seniors’ Access to Care Act”

Dear Speaker Johnson and Leader Jeffries:

The American Nurses Association (ANA) strongly opposes H.R. 7513, the “Protecting America’s Seniors’ Access to Care Act” and urges Congress not to enact this or any similar legislation prohibiting the Centers for Medicare and Medicaid Services (CMS) from issuing rulemaking setting minimum staffing standards for registered nurses (RNs) and nurse aides (NAs) in long-term care (LTC) facilities. Such standards are paramount in guaranteeing the safety of nurses and health care personnel and the provision of high-quality care to patients. Moreover, the legislation prohibits CMS from exercising its regulatory authority and oversight responsibility to ensure safe staffing standards in facilities under its purview that protect nurses and other health care personnel and patients’ timely access to high-quality care.

ANA is the premier organization representing the interests of the nation’s nearly 5 million RNs, through its constituent and state nurses associations, organizational affiliates, and individual members. RNs serve in multiple direct care, care coordination, and administrative leadership roles, across the full spectrum of health care settings. RNs provide and coordinate patient care, educate patients and the public about various health conditions, and provide advice and emotional support to patients and their family members. ANA members also include those practicing in the four advanced registered nurse (APRN) roles: nurse practitioners, clinical nurse specialists, certified nurse-midwives, and certified registered nurse anesthetists. ANA is dedicated to partnering with health care consumers to improve practices, policies, delivery models, outcomes, and access across the health care continuum.

Proponents of H.R. 7513 cite persistent workforce challenges as their primary reason for opposing the proposed rule on minimum staffing standards for LTC facilities. ANA recognizes that LTC facilities and the broader health care delivery system have long struggled with chronic staffing challenges and continue to do so. Poor working conditions, including workplace violence, mandatory overtime, and unsafe staffing, actively contribute to shortages of nurses in acute care hospitals and LTC facilities. **Consequently, we continue to call on all stakeholders, including Congress and the Administration, to take robust and immediate action to address nurses’ work environment and enhance the nursing workforce pipeline.** However, H.R. 7513 does nothing to address the underlying workforce issues and will instead result in nurses continuing to work in environments with unsafe staffing levels. This only leads to inflame persistent nurse burnout and attrition. It is therefore incumbent on LTC facilities to ensure safe staffing standards for their nurses and the patients they serve—and for CMS to oversee and ensure compliance with such standards. In fact, CMS recognizes current workforce challenges faced by LTC facilities and specifically included provisions in the rule to work closely with individual facilities to identify barriers and support their compliance.

We are also concerned about language in the legislation directing that CMS “[...] may not promulgate any substantially similar rule.” ANA’s concern is that this would bar CMS from issuing separate or other rulemaking requiring expanded presence of RNs onsite. ANA has long advocated for CMS to require LTC facilities to have an RN in a facility 24 hours a day, seven days a week and was pleased to see the agency include it in the proposed LTC staffing rule. This provision was recently suggested by the National Academies of Sciences, Engineering, and Medicine, which called for 24/7 direct care RN coverage—in addition to the director of nursing—with additional RN coverage as part of a larger recommendation to enhance staffing standards in nursing homes.¹ Requiring the presence of a RN in person and onsite 24/7 is a commonsense and vital approach for LTC facilities to ensure the constant active contributions and clinical expertise of RNs to address emergent medical situations and provide quality, skilled nursing care to patients. This proposed requirement is independent of the RN and NA staffing requirements in the rule and should be considered as such. Patients within skilled nursing facilities expect consistent access to skilled nursing care provided and led by RNs and a 24-hour presence should be a minimum standard to meet patient care expectations and needs.

Rather than striking the proposed rulemaking in its entirety, ANA urges Congress to work closely with the Administration and stakeholders to find a balanced approach to addressing workforce and work environment challenges. ANA also welcomes the opportunity to work with Congress to address other factors resulting in health care worker burnout, including workplace violence, mandatory overtime, and unsafe staffing. Finally, ANA supports ongoing efforts by lawmakers to rebuild our nation’s nursing workforce through many measures that aim to attract nursing students, nurse faculty, and nurse preceptors. Information about these efforts is detailed in a 2024 ANA Congressional Priorities letter that was sent to Congress last month.²

In closing, ANA stands ready to work closely with policymakers to find pragmatic and lasting solutions to ensure safe staffing in nursing homes and all care facilities across the country. Please contact Tim Nanof, Vice President of Policy and Government Affairs, at (301) 628-5081 or Tim.Nanof@ana.org with any questions.

Sincerely,



Debbie Hatmaker, PhD, RN, FAAN
Acting Chief Executive Officer | Chief Nursing Officer

cc. House Ways & Means Committee Chairman & Ranking Member
House Energy & Commerce Committee Chairwoman & Ranking Member
Jennifer Mensik Kennedy, PhD, RN, NEA-BC, FAAN, ANA President
Tim Nanof, MSW, Vice President, Policy & Government Affairs

¹ National Academies of Sciences, Engineering, and Medicine. “The National Imperative to Improve Nursing Home Quality.” Consensus Study Report. 2022. <https://nap.nationalacademies.org/catalog/26526/the-national-imperative-to-improve-nursing-home-quality-honoring-our>. Accessed March 2024.

² [2024-ana-congressional-priorities-letter.pdf \(nursingworld.org\)](#)