



October 25, 2023

Dear Members of Georgia's Congressional Delegation,

On behalf of Georgia's skilled nursing homes and long term care facilities, the Georgia Health Care Association (GHCA) and LeadingAge Georgia would like to express our significant concern regarding CMS' proposed staffing mandate for nursing homes. Our shared mission aligns with the Administration's goal of ensuring the availability of high-quality, patient centered care for every resident in our long term care settings. However, an unfunded mandate amid an ongoing workforce crisis will be impossible for nursing homes to meet, jeopardizing access to care for seniors in Georgia and nationally.

It is no secret that long term care facilities are battling a historic labor crisis, a problem that is only expected to worsen in the coming years. Our members have made significant efforts to increase their workforce by increasing wages and offering other incentives but remain unable to find qualified workers to fill open positions. Chronic Medicaid underfunding and soaring inflation intensify these recruitment and retention challenges, making it impossible for nursing homes to compete for an already limited pool of caregivers. In Georgia, caregiver shortages have led to nursing homes limiting resident admissions, closing units and wings, and many are at risk of closing their doors completely. CMS' proposal - which offers no meaningful support to help build a pipeline of new caregivers or incentivize them to choose a career in long term care - will only exacerbate the ongoing labor crisis and threaten to further reduce access to care.

In Georgia, a recent analysis¹ finds that CMS' unfunded mandate would require \$187M each year that underfunded nursing homes don't have to hire more than 3,652 additional caregivers that don't exist. In fact, less than 1 percent of facilities in our state currently meet all three of these staffing requirements - a statistic that speaks volumes about how unrealistic this mandate is. Further, 76 percent of Georgia nursing homes do not currently meet at least one of the three proposed staffing requirements.

The requirements for RN staffing outlined in CMS' proposed rule are particularly unfeasible as Georgia has some of the lowest ratios of employed RNs per population in the country². The staffing requirements also do not account for the thousands of dedicated Licensed Practical Nurses providing care in Georgia's nursing homes, nor other competent staff such as social workers, therapists or activity professionals. This sends a terrible message to these dedicated health care professionals who are valued members of the care team. What's more, this impossible standard will not improve quality care, as CMS' own study

¹ American Health Care Association (AHCA) and CliftonLarsonAllen LLP (CLA). (September 2023). Staffing Mandate Analysis. <https://www.ahcancal.org/Data-and-Research/Pages/Staffing-Mandate-Analysis.aspx>.

² National Council of State Boards of Nursing. (2023). The NCSBN 2023 environmental scan: Nursing at a crossroads—an opportunity for action. *Journal of Nursing Regulation*, 13(4). [https://doi.org/10.1016/s2155-8256\(23\)00006-6](https://doi.org/10.1016/s2155-8256(23)00006-6).

finds³. Every resident is unique, and a one-size-fits-all approach will have unintended consequences that will be detrimental to our residents, such as increased reliance on agency staff which is associated with poorer outcomes.

If nursing homes are unable to increase their workforce, facilities will likely need to further reduce their census in order to meet the mandate's requirements and some may close. More than 9,589 residents are at risk of being displaced from their nursing homes in Georgia if CMS' staffing mandate is implemented as currently written. Frail seniors and their families will have to wait longer and search farther for the nursing home care they need. This will especially impact seniors living in rural parts of the state and will cause a ripple effect, overwhelming our entire health care system.

A nationwide, one-size-fits-all staffing mandate is not what Georgia seniors need, and our nursing homes cannot meet this staffing mandate as it's currently proposed without the proper funding and workforce programs. We ask that you join us in urging the Administration and CMS to focus on thoughtful and supportive policies rather than unfunded mandates that will not improve care or the ongoing labor crisis. Our members remain steadfast in their mission to care for our state's deserving seniors and hope we can work together with our lawmakers to develop meaningful solutions to rebuild and strengthen the long term care workforce.

If you have questions regarding the impact the proposed minimum staffing rule would have on access to care in Georgia, please do not hesitate to contact us.

Sincerely,



Chris Downing
President & CEO
Georgia Health Care Association



Ginny Helms
President & CEO
LeadingAge GA

CC: Georgia Governor Brian P. Kemp
Georgia Department of Public Health (DPH) Commissioner Russel Carlson

³Leaked CMS Study Calls Into Question Basis For Federal Staffing Minimums In Nursing Homes. (August 2023). <https://www.ahcancal.org/News-and-Communications/Press-Releases/Pages/Leaked-CMS-Study-Calls-Into-Question-Basis-For-Federal-Staffing-Minimums-In-Nursing-Homes.aspx>.