



February 1, 2023

The Honorable Richard Blumenthal  
U.S. Senate  
706 HART SENATE OFFICE BUILDING  
Washington, DC 20510

Dear Senator Blumenthal:

On behalf of the Connecticut Association of Health Care Facilities (CAHCF), representing more than more than one-hundred and fifty (150) Connecticut skilled nursing facilities, we are writing to express our concerns with the Biden Administration's plan to issue a regulation through the Centers for Medicare and Medicaid Services (CMS) that would impose a nationwide minimum staffing mandate.

We applaud any effort to help increase available staff for our state's nursing homes. Our members are already doing everything they can to recruit and retain staff. Unfortunately, a staffing mandate simply will not work for Connecticut for two main reasons. The first is that the workers are simply not there. The staffing mandate that the Administration is considering would require an additional 181,000 nurses nationwide. These nurses don't exist. National jobs reports show that nursing homes have lost more than 210,000 workers since the start of the pandemic and despite every effort to hire more staff, we are making little progress. If nursing homes face fines or penalties for failing to meet an unreasonable staffing mandate, facilities will close and residents and families in Connecticut will suffer.

The second reason a staffing mandate will not work is that even if the additional 181,000 nurses were available, nursing homes do not have adequate funding to pay for this level of additional staff. A study from the accounting and consulting firm Clifton Larson Allen determined that the cost of the Biden Administration's staffing policy would be more than \$11 billion in the first year. CMS has no ability to pay for these positions and it seems unlikely that Congress will do so.

If the Biden Administration insists on issuing this rule, we have several suggestions that we have offered to make it feasible for Connecticut nursing homes and protect our residents and families from devastating closures:

1. The policy should not go into effect until the workforce is sufficient.
2. The policy should be fully paid for upfront by the federal government, with updates to keep pace with costs.
3. The policy should have a reasonable definition of which workers count in the staffing number, including a broad definition of nurse.
4. The policy should include waivers for facilities who are trying in good faith to comply but simply cannot find the workers.
5. CMS should phase the policy in and/or conduct a demonstration project.

One-size-fits-all policies do not work and this staffing requirement is no exception. Indeed, every Administration, including the Obama Administration, has rejected this staffing proposal because it is impossible to operationalize without a major influx of workers and funding.

We encourage you to let the CMS and the Biden Administration know that a staffing mandate for Connecticut won't work.

Thank you for your consideration in this important matter for Connecticut skilled nursing facilities.

A handwritten signature in black ink that reads "Matthew V. Barrett". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew V. Barrett  
President/CEO