Congress of the United States
Washington, DC 20515

October 11, 2017

Acting Secretary Eric Hargan
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Seema Verma, Administrator
U.S. Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Acting Secretary Hargan and Administrator Verma:

The undersigned Members of Congress are writing to you to express concerns about a recent CMS rule on the long-term care profession. We encourage you to re-evaluate the nursing home requirements of participation to allow for thoughtful revisions to be made and to give providers time to comply with the changes. Recent guidance on this rule issued June of this year is helpful but insufficient to allow providers the time to respond to the regulations.

In October of 2016, CMS issued a rule updating the "Requirements of Participation" for Skilled Nursing Facilities/Nursing Facilities (SNF/NF). While many of the provisions included in the rule mean well, taken together, they represent a burden to providers caring for some of the country's most vulnerable individuals. The unfunded mandate includes changes to update standards of practice, consideration for different types of residents in nursing centers, and changes that CMS believes will improve care for residents. Though well intentioned, these changes may instead have the opposite effect and direct resources away from the quality care our patients deserve.

The requirements place a financial burden on the profession. CMS estimates the nationwide first year implementation costs as $62,900 per facility and $55,000 in subsequent years totaling $831 million in the first year and on-going annual costs of $736 million. On top of the already thin margins that SNFs operate on, this burden is even harsher for SNFs that care for patients who use Medicaid to pay for their care, as Medicaid only reimburses 89 cents for every dollar of care.

We express concern over some of the regulations that appear duplicative in the sense that providers, in many cases, already have developed procedures and guidelines in place that have been proven effective in protecting patients. Similarly, mandating certain staffing positions place an undue burden on providers.

Our goal should be to provide our states greater flexibility so that our nursing homes may more effectively implement policies that focus on patient safety and quality outcomes. In order to make implementation less burdensome and costly to our long-term care providers, we respectfully request you re-evaluate this regulation.

Thank you in advance for your efforts towards advancing patient-centered, quality care. Your thoughtful consideration is much appreciated.

Sincerely,

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