

**Committee on Energy and Commerce**  
**Opening Statement as Prepared for Delivery**  
**of**  
**Subcommittee on Health Ranking Member Anna G. Eshoo**

***Hearing on “Supporting Access to Long-Term Services and Supports: An Examination of the Impacts of Proposed Regulations on Workforce and Access to Care”***

**October 25, 2023**

“In a Gallup poll conducted last month, 70% of Americans said they were uncomfortable with the idea of living in a nursing home. When asked to grade the overall quality of care in nursing homes, Americans gave the facilities an average grade of “D+.” These dismal marks, most frankly, I’m not surprised by them because I don’t know anyone that raises their hand and says, ‘I’d be happy to go to a nursing home.’ It represents many different things to a whole cross section of people.

We know that during Covid, over 200,000 nursing home residents died of the virus between January 2020 and February 2022. In a two-year period, almost a quarter of a million Americans [died]. Even before the pandemic, nursing homes faced quality issues. If there’s anyone that’s famous for associating himself with the shortcomings of the nursing home industry, it’s Senator Chuck Grassley. He’s conducted so many investigations. Of course there are GAO [Government Accountability Office] and HHS Inspector General reports that colleagues on both sides of the aisle are very familiar with.

Now the Biden Administration has proposed what they view as a solution to the lack of staff providing care in nursing homes: red light and siren, hire more people! It’s as simple as that. We’ve all been in a hospital or healthcare setting where there’s a button and when we press that button, we want someone to come to us. Does it cost something? Of course it does. But if no one comes when you press the button, things go downhill from there.

The proposed rule requires a registered nurse to be on site 24 hours a day, seven days a week, instead of the current minimum of only eight straight hours a day. The rule also requires one registered nurse for every 44 residents and one nurse aide for every 10 residents. The rule phases in for most facilities over three years but gives rural facilities five years to come into compliance. It also provides \$75 million in grants to train nurse aides.

The inability of nursing homes to hire and keep staff has been a problem for over 30 years. According to the National Academies of Health, ‘decades of evidence support the need to enhance nursing home workers’ training, salary, and working conditions, yet little progress has been made to improve the quality of these jobs.’

There are real issues with nursing homes in our country. I’m proud to have worked with nursing home people to have made improvements over the years. But there are still many shortcomings. For those that will end up in a nursing home - God knows it may be many of us here making these decisions today – when we press the button, we want someone to come. And they need to be well trained so that the people that they are serving can be served.

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I have a constituent, she's a quadriplegic and depends on home-based services for daily activities. It's next to impossible for her to find a place that can give her the kind of care that she needs. We can do much better in this country."