

**Congressman Brett Guthrie**  
**Opening Statement**  
**Health Hearing on 10/25/23**  
*As Prepared for Delivery*

Today, we are here to critically examine two proposed regulations from the Biden administration that threaten to disrupt care for millions of seniors and people with disabilities throughout the country.

The proposed 'Minimum Staffing Standards Rule' would require nursing homes to have a minimum number of registered nurses and nurse aides, while the 'Medicaid Access Rule' would require home health agencies to pass through a minimum of 80 percent of all payments to the direct care workforce.

While well-intentioned, these rules are misguided and will ultimately threaten to undermine access to vital services that our most vulnerable rely upon.

The success of our long-term care system is integral to the success of the broader health care system.

Caregivers are the backbone of our long-term care system, providing around-the-clock care and oftentimes undertaking physically intensive work to support our loved ones.

**CRITICAL MOMENT FOR LONG TERM CARE HEALTH SYSTEMS**

We're at a critical juncture for our long-term care systems. Since the start of the pandemic, we've lost hundreds of thousands of workers from nursing homes as well as home and community-based settings.

Nationally, there have been over 500 long-term care facility closures since 2020, and the industry needs to fill 150,000 jobs just to reach pre-pandemic levels.

All the while, Americans continue to age and need more long-term care services.

More needs to be done to address these dire workforce shortages.

**CHAIR GUTHRIE'S SOLUTION TO ADDRESSING WORKFORCE CRISIS**

My bill, H.R. 468, the Building America's Healthcare Workforce Act, is one solution to addressing this very complex problem.

This would permit temporary nurse aides to work in eligible Medicaid or Medicare long-term care facilities while they work to become certified nurse assistants.

However, instead of partnering with Congress to comprehensively solve this workforce crisis, the Biden administration is embracing central planning, claiming their proposals will lead to more workers being hired and help ensure patient safety.

Unfortunately, this is far from reality. These one-size-fits-all Washington-knows-best approaches will impose unfunded mandates on states and providers while reducing overall access to vital services without addressing the root causes of these complicated problems.

### **BIDEN'S UNFUNDED MANDATES WOULD RESTRICT ACCESS TO CARE FOR VULNERABLE POPULATION**

In the case of the Access rule, this could even make it more challenging for home and community-based service providers to offer health care benefits, invest in paid training programming to provide a higher quality of care, and run background checks to protect patient safety.

According to the Partnership for Medicaid Home-Based Care, finalizing the Access Rule would also force 93 percent of all home care agencies to reduce or limit their ability to accept new referrals.

Regarding the Minimum Staffing Standards Rule, analysis from the Kaiser Family Foundation found that as many as 80 percent of nursing homes would not be able to meet its requirements.

Separate analysis found that the mandate would cost Kentucky long-term care facilities \$69 million annually just to come into compliance.

Even the Obama administration agreed about the harms of these ratio requirements, concluding in 2016 that this policy would stifle innovation, wouldn't improve quality, and lead to the elimination of jobs.

### **BARREN COUNTY ADMINISTRATOR SAYS THESE RULES ARE NOT SUSTAINABLE**

To bring this even closer to home, a local Administrator at a Barren County long-term care facility summarized this, stating: 'Our rural area in southcentral Kentucky simply does not have access to additional workers. The lack of providers that will result from this requirement will result in no options for long-term care services. The Glasgow and Barren County market has five nursing homes and an acute care hospital competing for a small pool of registered nurses.

It is clear how devastating these two rules will be for patients' access to care. Nursing homes would be forced to stop accepting new patients, as well as cuts to home and community-based services. This would significantly undermine the bipartisan work this committee has undertaken for decades to improve access to care.

I call on the Biden administration to retreat from these misguided policies. I stand ready to work with my colleagues on this subcommittee, state and local officials, patient advocates, and other key stakeholders to comprehensively address these issues.

America's seniors and future generations deserve solutions that will increase access to affordable, high-quality health care. I will continue to work as Chair of the subcommittee toward achieving this objective.