

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Full Committee Ranking Member Frank Pallone, Jr.

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

Today’s hearing is important. Quite frankly, it deserves thoughtful consideration and discussion, not being shoved between the ongoing Republican dysfunction on the floor that has repeatedly caused Committee activity to be delayed for hours on end over the last three weeks.

Due to all of this uncertainty we were not able to include a witness we had been considering who is quadriplegic and receives insurance through Medicaid. Travel is, understandably, challenging for him as he needs to make sure it works not just for his schedule but also for his personal care worker. Unfortunately, given the unpredictability, we were not able to guarantee that this witness would be able to make his return flight. Of course, this would be less of an issue if the Republicans still allowed us to have witnesses join virtually. That restriction on virtual hearings or virtual witnesses is preventing important voices from being heard at our hearings, including this hearing today.

The COVID-19 pandemic laid bare what many of us have known for years – there is a staffing crisis in our long-term care infrastructure. Chronic understaffing threatens patient safety, access to care, and contributes to provider burnout. During the pandemic, nearly one in four COVID-19 deaths occurred in a long-term care facility. And understaffed facilities were more than twice as likely early in the pandemic to have COVID-19 infections as comparable facilities with higher staffing levels. This is tragic. That’s why last Congress, I introduced comprehensive legislation that would increase staffing and oversight of nursing homes in an effort to prevent a situation like what we witnessed during the pandemic.

I’m pleased the Biden Administration has taken steps to help address staffing issues in both nursing homes and home-based settings. Research continues to show that higher nursing home staffing levels are associated with better patient outcomes. If we want to improve the quality of care people receive in nursing homes, we need to ensure there are enough qualified workers there to care for them.

The Administration’s proposed rules would take steps to do just that. They establish minimum staffing standards for nursing homes, require that at least 80 percent of Medicaid payments for home care services go to caregiver pay, and expand nursing home oversight. These proposed rules are strong first steps to help ensure that patients in both nursing homes and home- and community-based settings are able to get the care they need.

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These are important improvements that must be made but I understand that it may take some facilities more time than others to come into compliance. Fortunately, the proposed rule already includes flexibility for certain facilities. It allows for an exception for facilities in areas with workforce shortages if they are, making a good faith effort to hire additional staff, and do not have a history of safety violations. The Administration is also proposing to phase-in the rule's requirements gradually, with additional time for rural nursing homes.

I'm glad the Administration is serious about taking steps to improve patient safety and staffing conditions, while also recognizing the unique challenges some nursing homes may face in complying with the new rules. I look forward to hearing our witnesses' perspectives on the rule and to working with all of you and with the administration to ensure that it's successfully implemented.

And I yield back the balance of my time.