

December 6, 2022

The Honorable Chuck Schumer  
Senate Majority Leader

The Honorable Mitch McConnell  
Senate Minority Leader

The Honorable Nancy Pelosi  
Speaker

The Honorable Kevin McCarthy  
House Minority Leader

Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy,

On behalf of the 1.3 million nursing home residents in the United States, the undersigned organizations urge you to include critical nursing home provisions in any omnibus package enacted by Congress in the lame-duck session. More than 200,000 residents and staff of long-term care facilities have died from COVID-19 since the pandemic began. Countless others have suffered from isolation and neglect. We must act now to ensure this catastrophe never occurs again.

Last year, the House passed a bill that included significant increases in protections for nursing home residents. These provisions would address inadequate enforcement of nursing home laws and regulations, increase scrutiny on how tens of billions of tax dollars are spent each year by nursing homes, and help to ensure that data submitted to the federal government by nursing homes are accurate.

Specifically, these provisions would:

- Provide \$325 million to support state regulatory agencies in their survey and certification activities. There has not been an increase in funding for oversight agencies since 2014.
- Provide \$250 million to CMS to audit Medicare cost reports. In 2020, nursing homes received \$66.9 billion in Medicare and Medicaid dollars. Additionally, they received tens of billions of dollars in COVID-19 provider relief funds. Yet little to no scrutiny is placed on how this money is spent. This funding would ensure tax dollars were going towards care and not to the profits of nursing home owners and operators.
- Provide \$50 million to ensure accurate data on nursing home resident health conditions and treatment. Nursing homes submit data to the federal government on each nursing home resident in their care, yet these data are not audited for accuracy. Accurate and complete information is essential to ensuring the well-being of nursing home residents.

In addition to these provisions, the bill contained reauthorization and modernization of the Elder Justice Act (EJA). The EJA provides much-needed assistance to programs that serve older Americans, including funding for the long-term care workforce, Adult Protective

Services agencies, and long-term care ombudsmen programs. We urge the inclusion of the EJA in any omnibus bill that Congress passes in the lame-duck session.

Nursing home residents and older Americans continue to be disproportionately impacted by COVID-19. According to the CDC, 1 in 5 deaths from COVID-19 in October 2022 were residents in nursing homes. These necessary provisions would protect residents, ensure high-quality care for our most vulnerable citizens, and promote the effective and efficient use of public reimbursement

Sincerely,

ADvancing States  
American Geriatrics Society  
Benjamin Rose Institute on Aging  
California Advocates for Nursing Home Reform  
California Elder Justice Coalition  
Center for Medicare Advocacy  
Elder Justice Coalition  
Long Term Care Community Coalition  
Michigan Elder Justice Initiative  
National Academy of Elder Law Attorneys (NAELA)  
National Adult Protective Services Association  
National Association of Nutrition and Aging Services Programs  
National Association of Social Workers (NASW)  
National Association of State Long Term Care Ombudsman Programs (NASOP)  
National Consumer Voice for Quality Long-Term Care  
Service Employees International Union  
The Gerontological Society of America  
USAgings  
Women's Institute for a Secure Retirement