

UNITED STATES SENATOR • IOWA  
**CHUCK GRASSLEY**  
RANKING MEMBER • SENATE COMMITTEE ON FINANCE

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Grassley, Breaux Seek Nursing Home Staffing Information

WASHINGTON – Sens. Chuck Grassley and John Breaux today asked the administrator of the Centers for Medicare and Medicaid Services for an update on preparing for a new requirement that nursing homes post nurse staffing information in a clearly visible location. The text of the senators' letter follows.

August 7, 2002

Mr. Thomas A. Scully  
Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Washington, D.C. 20201

Dear Mr. Scully:

We are writing to bring to your attention a provision in the law related to nursing home staffing. Beginning January 1, 2003, Section 941 of the Benefits Improvement and Protection Act of 2000 requires federally-certified nursing facilities to post nurse staffing information in a clearly visible location. Facilities must post daily for each shift the number of licensed and un-licensed nurses (registered and licensed practical nurses, and certified nurse assistants, respectively) who are “directly responsible for resident care.”

Our reason for bringing this to your attention is to underscore that the law expressly requires the Secretary to specify the “uniform manner” in which facilities must post nurse staffing information. Fewer than six months remain before this important statutory provision becomes effective. Therefore, we are writing to ask what specific steps CMS has taken and intends to take to implement this requirement. If CMS plans to implement this provision through rule-making under the Administrative Procedures Act, time is growing short. As you know, many significant issues must be addressed in federal guidance, such as separate reporting for agency personnel, clear definition of “direct responsibility” for resident care, and how to present staffing data in a way that makes the presentation most useful for residents, families, and members of the public.

The release of Phase II of the Department's study of nurse staffing in nursing homes last

winter heightened public and Congressional attention to the serious problem of chronic under staffing in too many of our country's nursing homes. Under your leadership, you have made great strides to make nursing home quality information more available, and we believe we share the goal of providing families and the public at large with more information about how adequately or inadequately a particular facility is staffed. The posting requirement mandated by BIPA is an important step on the way to improved staffing in nursing facilities, and we look forward to working with you to see that this provision is implemented in a timely way.

We appreciate your ongoing attention to nursing home quality. Please direct your written response to Hope Cooper or Ted Totman of the Finance Committee staff and Janet Forlini of the Aging Committee staff by August 15, 2002.

Sincerely,

Charles E. Grassley  
Ranking Member  
Senate Finance Committee

John B. Breaux  
Chairman  
Senate Special Committee on Aging