

Congress of the United States

Washington, DC 20515

December 15, 2003

The Honorable Tommy G. Thompson
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Secretary:

We are writing to bring to your attention a report released last month by the Institute of Medicine (IOM). The report, *Keeping Patients Safe: Transforming the Work Environment of Nurses*, finds that the vast majority of U.S. nursing homes are understaffed, that this lack of staffing directly impacts the well-being of nursing home residents, and that significant regulatory or legislative changes must be made to ensure improvements in staffing.

The report found that “federal regulations governing nursing home staffing are over a decade old and do not reflect new knowledge on safe staffing levels.”¹ It recommended that “the U.S. Department of Health and Human Services should update existing regulations . . . that specify minimum standards for registered and licensed nurse staffing in nursing homes.”²

This is the second major analysis to find that staffing levels in U.S. nursing homes are far below acceptable levels. An April 2002 report to Congress by HHS found “strong and compelling” evidence that most U.S. nursing homes were understaffed.³ The new IOM report explicitly endorses these findings, noting that staffing levels should “be based on the findings and recommendations of the DHHS report to Congress.”⁴ These recommended staffing levels are 4.1 total hours of resident care per day, with a minimum of 2.8 hours of daily care by certified nurse aides and 1.3 hours of daily care by licensed or registered nurses (of which a minimum of 0.75 hours must be provided by registered nurses).

Analysis by the minority staff of the House Government Reform Committee indicates that the vast majority of nursing homes in the country are failing to meet these standards. The HHS OSCAR nursing home data indicates that 92% of all nursing homes do not meet the recommended minimum staffing levels for both nursing assistants and registered and licensed nurses.

¹ Institute of Medicine, *Keeping Patients Safe: Transforming the Work Environment of Nurses*, 5 (Nov. 2003).

² *Id.*, at 10.

³ Department of Health and Human Services, *Report to Congress: Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes — Phase II Final Report* (Apr. 2002).

⁴ Institute of Medicine, *supra* note 1, at 9.

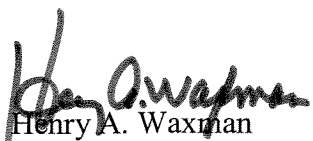
The Honorable Tommy G. Thompson
December 15, 2003
Page 2

The findings of the 2002 HHS Report to Congress and the IOM report demonstrate that staffing levels should be increased in nursing homes as rapidly as possible. But HHS appears to have done little to achieve this goal. We thus request that you provide Congress with a regulatory strategy and timeline for increasing nursing home staffing levels to the IOM-recommended levels. If a component of this strategy requires legislative action, we would welcome your input on appropriate legislative approaches. In particular, we would welcome your support for our legislation, the Nursing Home Staffing Act of 2003 (H.R. 3355 and S. 1988), which would increase staffing to the levels recommended by HHS and IOM.

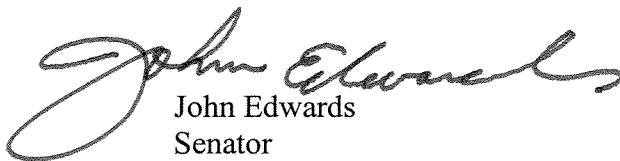
We also believe it is critical to provide consumers with information that allows them to evaluate staffing levels in nursing homes. The HHS "Nursing Home Compare" website currently provides consumers with online access to information about the average staffing levels in each nursing home. But this information does not contain the appropriate context to judge whether these staffing levels are adequate. The HHS site only allows consumers to compare nursing home staffing levels in an individual nursing home to the average staffing levels nationwide and in a given state. But these average levels are well below the 4.1 hour standard recommended by HHS and IOM. We thus request that you modify the presentation of staffing levels in the Nursing Home Compare website to ensure that consumers can compare staffing levels in a given nursing home to the HHS- and IOM-recommended levels.

We look forward to working with you to increase nursing home staffing levels. If there are any questions, the staff contacts on this issue are Brian Cohen (Rep. Waxman) at 225-5051 and Peter Harbage (Sen. Edwards) at 224-4923.

Sincerely,



Henry A. Waxman
Member
U.S. House of Representatives



John Edwards
Senator
U.S. Senate