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UNITED STATES
HOUSE OF REPRESENTATIVES

Secretary Tom Price
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Administrator Seema Verma
U.S. Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore MD 21244

Dear Secretary Tom Price and Administrator Seema Verma,

To ensure the highest quality of care for residents of our nation's nursing homes, the undersigned members of Congress request immediate suspension and delay of the comprehensive rewrite of the federal and state oversight system that was issued at the end of the Obama Administration.

The rule was issued hastily, in anticipation of the transition to a new Administration. State survey agencies, which have responsibility for enforcing the requirements of participation, had insufficient time to train surveyors on the new rule before Phase I of the rule went into effect. Nursing homes had less than 60 days to train their staff and take other steps toward compliance before the Phase I effective date of November 28, 2016.

CMS now is working on guidance for the next phase of the rule, due to become effective November 28, 2017. Phase II of the rule has more extensive requirements than the first phase, involving facility-wide assessments, staff competency determinations, antibiotic stewardship, and many other new mandates. Again, there will be little time for survey agencies or nursing homes to absorb the impending requirements and guidance before Phase II goes into effect.

The new rule requires major changes in all aspects of nursing home operations. Although some aspects of the rule attempt to positively redirect the nursing home oversight system toward person-centered care, the rule grossly underestimates the amount of time and resources nursing homes will expend to achieve regulatory compliance with its massive provisions. We question if adding volumes of new regulations will improve quality and fear facilities will be forced to shift limited resources away from direct care to administrative staff in order to achieve regulatory compliance.

We respectfully ask you to: (1) Suspend and delay Phase II and III of the rule until your agency has evaluated which provisions of the rule are essential, cost-justified, and should be pursued; and (2) Promulgate and issue full guidance and regulations at least six months prior to implementation and enforcement of the essential provisions of the rule.

Sincerely,

Glenn Grothman
Member of Congress