

October 17, 2023

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-3442-P  
P.O. Box 8016  
Baltimore, MD 21244-8016

Dear Administrator Brooks-LaSure,

For 70 years, the Alaska Hospital & Healthcare Association (AHHA) has served as a non-profit trade association representing Alaska's hospitals, nursing homes, and other healthcare partners across the continuum of care. AHHA members play an invaluable role, both as community providers and essential employers, in cities, towns, and villages across Alaska. We are proud that all twenty of Alaska's skilled nursing facilities are AHHA members.

We appreciate the opportunity to comment on the CMS proposed rule: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting (CMS-2023-0144-0001). As an association that represents both hospitals and nursing homes, we are deeply concerned that a prescribed staffing threshold could lead to reduced nursing home capacity that would impact our ability to provide care within our communities and contribute to further delays for patients in hospital beds awaiting discharge to a post-acute care setting. We find the proposed rule to be a "one-size-fits-all" approach that does not tie to quality outcomes or address workforce challenges in rural areas.

Although Alaska consistently ranks among the highest in the nation for nursing home quality and staffing, we have unique recruitment challenges including a lack of housing, harsh climate, isolated communities, and a high cost of living that impact the recruitment and retention of our workforce and make compliance with the proposed rule nearly impossible.

Our state's geography is vast, and heavily rural. Alaska is 663,268 square miles, which is one-fifth the size of the U.S. mainland. Half of Alaska's nursing homes are co-located with a Critical Access Hospital (CAH). Situated in the most remote areas of the country, these facilities are usually only accessible by boat or plane. The CAH model relies on the ability to utilize staff on both the skilled nursing facility and CAH sides of the building.

The proposed rule is problematic for Alaska and access to care in our most remote regions because it does not recognize 24/7 RN coverage provided by CAH RNs. CAH RNs provide nursing oversight to the entire building, including the nursing home. It is vital that the proposed rule be changed to include CAH RNs in the 24/7 requirement. Given the extensive challenges of providing healthcare on the rural frontier, we also respectfully request that on-call and LPN staffing be sufficient to meet the staffing requirements. Alaska has invested in LPN development programs to diversify the workforce and provide career pathways in nursing.



Additionally, the proposed rule uses the “2020 Census Bureau” to define urban and rural areas, labeling 11 areas in Alaska as urban. Five of those areas are not even accessible by road and are in remote, sparsely populated parts of Alaska without large supermarkets, McDonalds, Walmarts, or other access to goods within driving distance. We strongly urge CMS to require a population of at least 200,000 to be considered urban.

In closing, staffing requirements do nothing to create more workers. Instead, they limit operations—if a facility cannot find workers to meet the standards, the facility must reduce capacity, and reduced capacity means there are less long-term care beds available to receive discharges from hospitals and other environments of care.

This backs up the rest of the healthcare system because patients in Alaska’s hospitals who are medically clear have nowhere to be discharged. This causes patients to be stuck in the highest cost of care environment occupying a precious resource that is needed for sicker people, and the hospital receives virtually zero reimbursement from payers, including Medicare and Medicaid.

We urge you to rescind the proposed rule especially until the sector can fully recover from the workforce shortages exacerbated by the COVID-19 pandemic. Our members deliver high quality care to residents and elders in their communities every day. They are our local heroes. Support and resources are what they need to be successful, not unfunded mandates and overly burdensome regulations.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Connie Beemer', written in a cursive style.

Connie Beemer, MBA, PMP  
Alaska Hospital & Healthcare Association  
VP, Post Acute-Care and Finance

CC: U.S. Senator Lisa Murkowski  
U.S. Senator Dan Sullivan  
U.S. Representative Mary Peltola