

October XX, 2017

Dr. Tom Price  
Secretary  
U.S. Department of Health and  
Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Seema Verma  
Administrator  
Centers for Medicare and  
Medicaid Services  
7500 Security Boulevard  
Baltimore, MD

Dear Secretary Price and Administrator Verma:

We are writing to relay the concerns we are hearing from long-term care providers in our states regarding the updated “Requirements of Participation” for skilled nursing facilities. We urge you to take into consideration stakeholder feedback, and work with providers and patient advocacy groups to consider revisions to the rule that will alleviate regulatory and financial burdens on long-term care facilities while ensuring patient safety and high quality of care.

On October 4, 2016, the Centers for Medicare and Medicaid Services (CMS) issued a final rule updating the “Requirements of Participation” for Skilled Nursing Facilities/Nursing Facilities (SNF/NF). While many of the rule’s provisions are well intentioned, we have heard from SNFs in our states that are concerned about the financial burdens associated with complying with the updated rule. CMS estimates that the cost of compliance during the first year could be as much as \$62,900 per facility and \$55,000 in subsequent years. Nationwide, this would total \$831 million in the first year and approximately \$3.78 billion over five years. As you are aware, many SNFs—particularly those serving rural and underserved areas—operate on thin financial margins, which is why providers in our states have indicated they will struggle to implement the rule.

In addition to being costly to implement, some of the proposals outlined in the rule appear to be duplicative in the sense that providers, in many cases, have already developed effective procedures and guidelines to protect patients and ensure the provision of quality care. Other requirements put forth under the rule would increase the regulatory burden on long-term care providers by placing one-size-fits-all mandates on facilities.

There is nothing more important than ensuring the safety of nursing home residents, and the goal of improving care in SNFs is one we all share. We believe that improving care and reducing administrative burdens on SNFs are not mutually exclusive issues. That is why we request that you take into consideration the concerns of SNFs and long-term care providers, and consider delaying for one year the overly burdensome parts of the Requirements of Participation rule. Such a delay would allow CMS to work with long-term

care providers and patient advocacy groups to consider revisions to the regulation that will ensure patient safety is protected, quality care is delivered, and concerns related to unnecessary and duplicative regulatory and financial burdens are adequately addressed.

Thank you for your consideration of our request. We look forward to your reply.

Sincerely,