



September 17, 2024

The Honorable Cathy McMorris Rodgers  
Chair  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Frank Pallone  
Ranking Member  
Committee on Energy & Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Chair Rodgers and Ranking Member Pallone,

I am writing on behalf of LeadingAge members to express our strong support for several bills and resolutions that will be considered by the **House Committee on Energy and Commerce** during its **legislative markup on Wednesday, September 18, 2024**.

LeadingAge represents more than 5,400 nonprofit aging services providers and other mission-driven organizations serving older adults that touch millions of lives every day. Alongside our members and 36 partners in 41 states, we use advocacy, education, applied research, and community-building to make America a better place to grow old. Our membership encompasses the entire continuum of aging services, including skilled nursing, assisted living, memory care, affordable housing, retirement communities, adult day programs, community-based services, hospice, and home-based care.

### **Vote Recommendations**

#### **H.R. 3227, Ensuring Seniors' Access to Quality Care Act**

Certified Nursing Assistants (CNAs) are an integral part of the long-term care workforce, and nursing homes will need to help train and hire thousands more of them to satisfy the recently issued federal minimum staffing standards. Unfortunately, too many nursing homes have had their CNA training programs suspended for a full two years due to an outdated provision in federal law. This legislation would help address this challenge by modifying requirements that otherwise prohibit a nursing home from running nurse aide trainings and competency evaluations when the nursing home has been subject to civil monetary penalties, as long as the facility has addressed deficiencies associated with the penalties and has not been found to have deficiencies related to patient harm or quality of care. We urge members to vote YES on this bill.

#### **H.R. 9067, Building America's Health Care Workforce Act**

This bill would offer states the ability to apply for a waiver of up to three years if they have a self-identified temporary nurse aide workforce shortage area. Under this waiver, facilities would only qualify if they have not been cited for patient safety concerns by the Centers for Medicare and Medicaid Services (CMS) within the two preceding years. Temporary nurse aides would still need to perform the duties outlined in statute while working toward attaining the 75 hours of on-the-job training before they can sit for an exam to become a certified nursing assistant. Further, they would not be able to work by the bedside for longer than 12 months if the 75-hour training requirement is not met. We urge members to vote YES on this bill.

**H.J. Res. 139, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services relating to “Medicare and Medicaid Programs: Minimum Staffing Standards for Long-term Care Facilities and Medicaid Institutional Payment Transparency Reporting”**

Federal action on minimum staffing standards must be realistic to achieve its intended effect and should be preceded by serious workforce investments to attract, incentivize, and train registered nurses and nurse aides that are currently in short supply. Until there are enough qualified applicants and adequate funding to address staffing shortages across the long-term care continuum, we strongly support halting implementation of the final minimum staffing rule. This legislation would repeal the nursing home minimum staffing rule that was issued by the Centers for Medicare and Medicaid Services on September 1, 2023, and recently finalized. We urge members to vote YES on this resolution.

**H.R. 8107, Ensuring Access to Medicaid Buy-in Programs Act**

This bill would eliminate the Institutional Level of Care (ILOC) requirement for receipt of Medicaid home and community-based services (HCBS). LeadingAge is supportive both of H.R. 8107 as written, and of the proposed amendment language that requires the Secretary to create a 5-state pilot program to test elimination of the ILOC requirement for receipt of HCBS. Data collection requirements included within the new proposal would allow states and Congress to assess how Medicaid HCBS expenditures can help stave off more expensive institutional care. We urge members to vote YES on the amendment and the underlying bill.

**H.R. 7623, Telehealth Modernization Act**

This bill would implement a two-year extension for certain telehealth flexibilities under Medicare. The telehealth flexibilities that are extended by this legislation include: removing geographic restrictions, expanding eligibility for practitioners to furnish telehealth services, retaining the waiver process for modifying telehealth services covered under Medicare, implementing a permanent payment system for telehealth services furnished by rural health clinics (RHCs) and federally qualified health centers (FQHCs), and allowing the use of audio-only telecommunications technology. We urge members to vote YES on this bill.

On behalf of our 5,400 mission-driven members that work with older adults and their families to provide quality care and services, we respectfully urge you to support this legislation during the committee markup. If you have any questions, please contact Todd Adams, Director, Health Legislative Affairs, at [TAdams@LeadingAge.org](mailto:TAdams@LeadingAge.org).

Sincerely,



Katie Smith Sloan  
President and CEO  
LeadingAge