August 6, 2021

Joint Committee on Elder Affairs  
Honorable Patricia D. Jehlen, Senate Chair  
Honorable Thomas Stanley, House Chair  
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Cc: Honorable Ruth Balser

Re: Elder Affairs Committee Testimony, S.414/H.727 An Act to ensure the quality of care in nursing homes.

Dear Senator Jehlen, Representative Stanley and members of the Joint Committee on Elder Affairs:

The American Nurses Association Massachusetts respectfully submits testimony regarding H.727 An Act to ensure the quality of care in nursing homes. ANAMASS is the largest voluntary professional nursing organization in Massachusetts representing Massachusetts Registered Nurses in all care settings throughout the Commonwealth and recognizes the critical role that these health care providers play in providing and supervising care to residents in these facilities. We are a constituent member of the American Nurses Association, which represents over 4 million registered nurses across the nation. ANA Massachusetts is at the forefront of advocating for our profession and improving the quality of health care for all.

In November 2020 ANAMASS submitted comment to the office of the General Counsel of the Department of Public Health regarding proposed amendments to 105 CMR 150.00 Standards for Long Term Care Facilities. That testimony is attached.

One of the key phrases that must be considered is “The facility must provide adequate nursing care to meet the needs of each resident.” We urge you to consider the inclusion of the ANA’s Principles for Nurse Staffing to enable the facilities to define and determine what adequate nurse staffing is for their residents using evidence-based principles and guidelines.

- Nurses at all levels must have a role in nurse staffing decisions
- All health care settings have well-developed staffing guidelines with measurable outcomes
- Nurse staffing needs are based on multiple factors, including patient status and nurse competencies
- Nurse staffing is more than numbers, and one size does not fit all
• Flexibility and teamwork are essential to effectively meet the ever-changing needs of patients

Workforce Issues

At the same time this legislation seeks to increase the number of hours per resident per day, the industry is facing an unprecedented workforce shortage. Newly licensed RN’s (esp. those prepared at the BSN level) prioritize working in the academic medical centers of the Commonwealth, enticed by the higher wages, benefits, and prestige of these brand-name facilities. Others, especially nursing assistants, are working in more than one facility due to the economic reality that they are paid less than a living wage and need to do so due the high cost of living in Massachusetts.

Keith Chen, a UCLA behavioral economist, used location data from 30 million smartphones to track the movements of people going into and out of nursing homes. He noted that many of them worked in more than one nursing home and theorized that this may have contributed to transmission of COVID during the pandemic. The long-recognized deficit in wages for staff caring for residents in long term care facilities can have unintended consequences in several ways. ANAMASS further recommends including in this legislation initiatives focused on the LTC workforce to improve compensation, retention, and satisfaction.

In summary, ANAMASS recommends that the proposed amendments more closely reflect the 2001 CMS study proposing 4.1 nursing hours per patient day and 0.75 registered nurse hours in long-term care staffing, especially for higher levels of care. COVID-19, while devastating, has provided clear evidence that the application of the ANA principles of nurse staffing and providing well-developed staffing guidelines, results in better outcomes.

Thank you for your time and attention to this incredibly important matter.

Respectfully submitted,

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References


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