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2157 RAYBURN HOUSE OFFICE BUILDING

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April 7, 2004

The Honorable Tommy G. Thompson
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Secretary:

We are writing with regard to the new Department of Health and Human Services (HHS) regulation permitting feeding assistants in nursing homes. In particular, we are requesting that HHS collect adequate and reliable data on the number of hours worked by feeding assistants. We request further that the information not only be collected but that the information also be disseminated publicly.

Residents and family members have a right to know what amount of nursing home care is being provided by feeding assistants and what amount is being provided by registered nurses, licensed nurses, and nursing assistants. Such data will enable family members to make informed decisions about the proper nursing home in which to place a loved one.

It is also critical that policymakers and researchers be provided with data on the use of feeding assistants in order to evaluate the impact of this regulation. For example, such data would allow policymakers to determine if nursing homes that hire large numbers of feeding assistants are reducing or increasing staffing in other areas, or whether nursing homes with large numbers of feeding assistants are more or less likely to violate federal nursing home standards. Without such data, Congress and outside experts cannot evaluate the effectiveness of the feeding assistant regulation.

Therefore, we request that the following measures be implemented immediately:

- (1) HHS should require nursing homes to accurately report to state inspectors and/or HHS the number of hours worked by feeding assistants;

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(2) HHS should include this data on the Nursing Home Compare website currently maintained by HHS; and

(3) The Nursing Home Compare website should provide an easy-to-understand comparison of the number of hours worked by feeding assistants, registered nurses, licensed nurses, and nurse aides.

Moreover, we understand that the nurse staffing data currently reported on the Nursing Home Compare website may not be accurate for many or even most facilities and that HHS now has research showing how accurate staffing data can be collected using payroll records and invoices. We would like to know when HHS will begin collecting staffing data using payroll records and invoices and when such data will be made available to Congress and the public.

We would appreciate a response to our letter by May 5, 2004. If you have any questions, you may contact Brian Cohen with Rep. Waxman at (202) 225-5051 and/or Emilia DiSanto with Senator Grassley at (202) 224-4515. Thank you.

Sincerely,

/s Henry A. Waxman

Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
U.S. House of Representatives

/s Charles E. Grassley

Charles E. Grassley
Chairman
Committee on Finance
U.S. Senate