



March 26, 2024

Dear Chairwoman Donovan and Committee,

My name is Akshay K. Talwar, and I am the Administrator and Owner of Briarcliffe Manor located in Johnston, RI. Briarcliffe Manor is a nursing home, serving 122 residents and employs 125 plus Rhode Islanders. I am also the President and Owner of The Preserve at Briarcliffe and Briarcliffe Gardens, Assisted Living and Memory Care Assisted Living Residences on the same Briarcliffe Campus adjacent to the nursing home.

Last year, I lost a million dollars in the operation of the nursing home. I funded those losses from the profits I made in the Assisted Living Residences in the hope and expectation that reimbursements and the regulatory environment for rehabilitation and nursing home facilities would improve in the future. Clearly, the bleeding would stop if I simply closed the nursing home as others in the industry have done.

Recent legislative proposals would only hinder the ability for nursing homes to continue operating in Rhode Island.

House Bill 7520: Support

House Bill 7733: Oppose

House Bill 7819: Oppose

**House Bill No. 7520 ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY --
RIGHTS OF NURSING HOME PATIENTS**

Position: Support

As you are aware, the health care workforce continues to experience significant shortages in the state of Rhode Island, and nationally. In fact, nursing homes have experienced the worst job loss of any health care sector during the pandemic, with nursing homes in Rhode Island losing 20 percent of our workforce. Today, our workforce as an industry remains more than 15% below our workforce numbers in February of 2020. Since then, the Rhode Island Safe Staffing Law was enacted, those well intended, this law has serious negative consequences for our industry and the frail elders we serve.



As we have seen, the state staffing mandates for nursing homes exacted in the middle of a labor crisis has and will continue to exacerbate the current access to care crisis impacting the entire healthcare continuum. We have seen nursing homes close or downsize, even without penalties being assessed. If, and when the severe penalties take effect, we will see an accelerated domino effect across the entire continuum of care leaving vulnerable seniors with fewer care options, if any in their communities.

The care provided by our industry is complex. No nursing home is the same. The care provided varies from Short Term Rehabilitation Care, Dementia Care, Behavioral Health Care, Ventilator Care, Dialysis Care and Long-Term Custodial Care. Thus, mandating staffing levels is a simplistic, one-size-fits-all approach to the needs of complex and unique nursing home residents and patients, that does not work!

Please support passage of House Bill 7520, repealing the 2021 Nursing Home Minimum Staffing Law.

House Bill No. 7733 ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- NURSING HOME WORKFORCE STANDARDS BOARD ACT

Position: Oppose

Nursing home's care for some of the most vulnerable Americans, and as a result Nursing Homes are one of the highest regulated industries in all of America. Nursing homes do not object to the regulations and oversight, but welcome it, if it comes from the appropriate agencies, and not an ad-hoc committee, which is what this piece of legislation would create. The Workforce Standards Board (WSB) would have regulatory power above and beyond existing state and federal oversight. In addition, it would take rate setting authorities away from the Executive Office of Health and Human Services and the General Assembly in addition to minimum wage rates set by the RI General Assembly.

This piece of legislation does not address the real issues facing nursing homes including years of underfunding, increased costs and the lack of an available workforce in the state. Currently, nursing homes are being reimbursed by Medicaid based on actual cost of care from 2011, this was 13 years ago. On average, nursing homes lose \$70 per Medicaid patient per day. To worsen the financial stability of facilities, nursing homes have seen a drastic increase in costs since 2020 including labor costs. Nursing home employees have seen the highest average wages increased from February 2020 and September 2023 compared to any other sector, nearly 25%. This does not take into account the high cost of temporary agency staff which went up \$19 million dollar in 2021 alone. However, nursing homes must rely on agency staff due to the lack of workers. At the height of the pandemic, the nursing home industry was down 20% of



their workforce. Due to the high demand for workers, we are constantly reviewing our rates of pay for employees, doing on-going wage analysis in our area, and we can adjust.

Please oppose passage of House Bill 7733, as the Workforce Standards Board would severe negative impacts on our industry and its current oversight.

**House Bill No. 7819 ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY --
LICENSING OF HEALTHCARE FACILITIES**

Position: Oppose

This bill would ensure that nobody will invest in Rhode Island Nursing Homes in the future. Not one of you would be prepared to make an investment of your own money in any asset if you were told that you would be so restricted.

For some years now, failing nursing homes have been rescued by out of state buyers who have purchased them in the hopes of rehabilitating them and making a fair profit. Currently, those out of state buyers (or at least some of them) are trying to re-sell those facilities. Oppressive statutes of this nature will ensure that those potential investors will steer clear of Rhode Island.

Please oppose passage of House Bill 7819, as passage of such a bill would only drive quality nursing home operators out of Rhode Island and pose a threat of new ones coming in, likely resulting in additional closures and the displacement of elder Rhode Islanders.

Respectfully submitted,

Akshay K. Talwar, CEO
Briarcliffe