January 25, 2022

Mr. Jeffrey Zients
COVID-19 Response Team Coordinator
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear Mr. Zients:

The undersigned organizations represent thousands of health and long-term care providers that care for those most in need across the country. We are writing to you today to request your assistance with an anticompetitive practice with certain nurse-staffing agencies that is making it challenging for people who need care to access it. COVID-19 has presented unprecedented and difficult challenges for the entire health and long-term care system. One of the biggest issues faced by health and long-term care providers across the country is the dire workforce shortages. All of us have been working on a variety of efforts and policies to try to address the workforce crisis and recruit and retain workers.

That being said, we are hearing countless examples of nurse-staffing agencies charging exorbitant prices to desperate health providers that simply need workers. There are states that are trying for legislative fixes to prevent these agencies from charging double to quadruple plus of what operators pay their staff. It is important to note that the nurse-staffing agency worker makes only a fraction of what the agency is charging the provider for that worker.

Providers have little choice but to pay the exorbitant prices, and hope that the nurse-staffing agency does not poach their current staff. It is also important to remember that many health and long-term care providers are paid through the Medicare and Medicaid programs – thus, it is the taxpayers who are shouldering these huge price tags. This price gouging is simply not sustainable for providers and the current reimbursement system structure. This money being spent should instead be going towards other needed resources that are resident care focused.

Some of the undersigned groups have already urged the Federal Trade Commission (FTC) over the past several months to investigate this conduct as a violation of our antitrust or consumer protection laws. While we have yet to receive a response from the agency, we continue to believe this issue deserve attention from the FTC.

We are simply asking for your help in ensuring this important matter gets the attention that it deserves from the federal government. Staffing agencies need to be held accountable and should not be taking advantage of providers that are working around the clock to ensure the most vulnerable people receive the best quality health care possible during an incredibly stressful time.

Thank you in advance for your consideration of our request and please know that we are here to answer any questions you might have. Our provider members would welcome the opportunity to visit with you at any time to talk in more detail about how this issue is adversely impacting the health care sector and those they serve.

Sincerely,

Mark Parkinson
President & CEO
American Health Care Association

LaShuan Bethea
Executive Director
National Center for Assisted Living

Katie Smith Sloan
President & CEO
LeadingAge

Patricia Budo
Executive Director
Pediatric Complex Care Association

Heyward Hilliard
President
National Association of
State Veterans Homes

James Balda
President & CEO
Argentum

Don Shulman
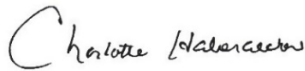President & CEO
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