

February XX, 2022

The Honorable Charles E. Schumer
Senate Majority Leader
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Leader Schumer and Leader McConnell:

As our country continues to grapple with both the ongoing COVID-19 pandemic and a critical nursing and allied health professional workforce shortage, we write to share our support for the bipartisan, bicameral *Technical Reset to Advance the Instruction of Nurses (TRAIN) Act* (S. 1568/H.R. 4407), which would help support the future of our health care workforce by providing much-needed relief to hospital-based nursing schools and allied health professional programs across the country. We urge you to include the TRAIN Act in the next legislative package that the Senate sends to the President's desk to help limit any further disruption to the nursing and allied health workforce pipeline in the United States.

As you know, the ongoing shortage of nurses and allied health providers across the nation threatens to jeopardize care to millions of Americans. We cannot educate and train new nurses and other allied health caregivers fast enough. Medicare provides essential funding support to help train and educate our nation's health care workforce through direct graduate medical education (DGME) payments to approximately [120 hospital-based nursing schools](#) operated by a sponsoring hospital. Unfortunately, the Centers for Medicare and Medicaid Services (CMS) made an inadvertent error in 2010 in the administration of DGME payments that continued unchecked and unresolved for nearly a decade, which is now threatening the existence of these hospital-based schools of nursing and allied health.

Absent Congressional action, these hospital-based schools will be required to pay back millions of dollars in funding that they received up to a decade ago due to no fault of their own, and at a time where hospital finances and their affiliated nursing and allied health training programs are already severely strained. CMS has already begun recouping millions of dollars from these schools and their host hospitals. As a result, these nursing and allied health schools, which produce several thousand nurses each year, are now threatened with closure or major program reductions. As you are aware, nursing program closures would mean fewer nurses and jobs for teaching and administrative staff, and fewer educational opportunities for students, during a pandemic when nursing professionals are most needed.

The TRAIN Act would help correct for CMS's error by making a technical fix to section 541 of the 1999 *Balanced Budget Refinement Act* to adjust for the overpayments CMS mistakenly made to hospitals participating in the Medicare Advantage Nursing and Allied Health Professional Education program between 2010 and 2018. The TRAIN Act would help protect hospital-based programs from financial ruin during a global pandemic and protecting hospital-based nursing schools from financial ruin by holding these hospital-based programs harmless from the consequences of CMS's more than a decade old mistake.

We urge you to include the TRAIN Act – which has strong, bipartisan support in both the U.S. Senate and the U.S. House of Representatives in the next piece of legislation the Senate sends to President Biden's desk.

Thank you for your consideration of this urgent request.

Sincerely,

Sherrod Brown
United States Senator

Shelley Moore Capito
United States Senator

CC: Senator Ron Wyden, Chair, Senate Finance Committee
Senator Mike Crapo, Ranking Member, Senate Finance Committee