

January 27, 2022

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

Dear Mr. Zients:

The American Hospital Association (AHA) and the American Health Care Association/National Center for Assisted Living (AHCA/NCAL) write to you today on behalf of the nation's hospitals and health systems as well as its nursing homes and long term care (LTC) facilities with serious concerns that various nurse and other direct care staffing agencies have been exploiting the severe shortage of health care personnel during the COVID-19 pandemic by charging uniformly high prices in a manner that suggests widespread coordination and abuse of market position.

Please be sure that our concerns focus directly on the agencies and not the personnel they represent. We are well aware that the variants of the COVID-19 virus and the length of this ongoing pandemic have put a tremendous strain on health care personnel, and we commend them for their dedication to their patients and their communities in the face of these challenges.

In order to respond to the variants and the surges that follow, many hospitals and LTC facilities have been forced to rely on staffing agencies to fill vacancies to provide needed care. Unfortunately, it appears many of these agencies are engaged in anticompetitive practices that are detrimental to hospitals' and LTC facilities' ability to care for their patients. This is especially harmful as the health care workforce continues to experience shortages related to the pandemic while demand for services has increased.

Hospitals and LTC facilities have shared countless examples of how agencies are exploiting their desperate situation for personnel by inflating prices beyond reasonably competitive levels – two or three times pre-pandemic rates – and retaining up to 40% or more of those amounts for themselves. Our organizations have no choice but to pay these exorbitant rates. Those rates are not only unsustainable, but they deprive hospitals and LTC facilities of the ability to fund other priorities without significant federal, state and local government assistance.

[The AHA](#) and [AHCA/NCAL](#) have each urged the Federal Trade Commission to investigate this conduct as a violation of our antitrust or consumer protection laws but we have not yet received any response.

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We ask that you help ensure this matter gets the attention it merits from the federal government. Preventing these agencies from exploiting our organizations' desperate need for health care personnel should help mitigate one of the enormous pressures on our hospitals, health systems, and LTC facilities and enable them to focus on caring for the patients who rely so heavily upon them as the pandemic continues. We look forward to your response.

Sincerely,

/s/

Stacey Hughes
Executive Vice President
American Hospital Association

/s/

Clifton J. Porter II
Senior Vice President
American Health Care Association/
National Center for Assisted Living