



The Politics of Caring

Federal Update

On September 22 ANA representatives joined House Democratic Leader Nancy Pelosi (D-CA), along with other House Democrats in releasing “New Partnership for America’s Future,” which Pelosi characterizes as a reaffirmation of “the commitment of House Democrats to these six core values for a strong and secure middle class: national security, prosperity, fairness, opportunity, community, and accountability.”

One of the central themes of this new partnership is a dedication to securing affordable health care for all Americans. Under the category of “fairness,” the House Democrats have committed to, among other things,

- ensuring that every child has health care coverage.
- making health care affordable for every American.
- providing tax incentives to assist employers in offering affordable health insurance to all employees.
- guaranteeing a prescription drug benefit under Medicare.

- eliminating disparities in health care for all races and ethnicities.
- assisting families and individuals in coping with the care and cost of AIDS, Alzheimer disease, Parkinson disease, and other chronic illnesses.
- improving the health of rural Americans through expanded regional medical services.
- expanding training of medical personnel and medical facilities to serve all communities.

The ANA supports Pelosi, her fellow Democrats, and all legislators who are committed to ensuring accessible, quality health care. The ANA has worked with lawmakers on both sides of the aisle to further legislation that would provide much-needed mental health services for the elderly and financial relief for families taking care of those with Alzheimer disease and other chronic illnesses (see *Politics of Caring*, September).

Overtime Battle Rages On

Despite the fact that the Bush Administration’s new overtime rules went in to effect on August 23, the last chapter on that book hasn’t been written. In early September the U.S. House of Representatives added an amendment to a Labor, Health and Human Services, and Education appropriations bill that provides that no category of worker eligible for overtime pay under the old rules—including hourly-paid RNs—would lose that right. A week later the Senate Appropriations Committee voted to block the overtime pay rules in its version of the bill. President Bush, however, has threatened to veto the entire bill if Congress doesn’t back down on the overtime issue.

The ANA believes that the lack of clear language in the new rules may open the door for employer attempts to reclassify nurses as exempt from overtime protections historically given to U.S. workers under the Fair Labor Standards Act. Reclassification attempts might lead to further erosion of nurses’ working conditions—through the increased use of forced overtime—and a worsening of the nursing shortage.

The ANA is also assessing the impact of the new rules by asking for feedback from RNs. To register a comment or concern, e-mail overtime@ana.org or contact Chris Donnellan, associate director of ANA’s Government Affairs department, at (301) 628-5088 or cdonnell@ana.org.

For more information on the overtime issue, go to www.nursingworld.org, click on “Nursing Issues/Programs,” “Government Affairs,” and then “Federal Advocacy.”

State News

The Resident Councils of Washington and the Washington State Ombudsman Program filed a suit in federal district court in Seattle charging that the federal government’s feeding assistant regulations violate the Nursing Home Reform Act. The regulations, which the ANA opposed in comments filed with the Centers for Medicare and Medicaid Services in 2002, allow nursing homes to use paid workers who don’t meet minimum training requirements for nursing services to assist residents with eating. The regulations also allow minimal supervision of feeding assistants and don’t prohibit nursing homes from using them to displace certified nursing assistants.

A copy of the lawsuit can be found on the Web site for the National Citizens’ Council for Nursing Home Reform. For more information about the suit, *Resident Councils of Washington v. Thompson*, contact plaintiff’s attorney Eric Carlson at the National Senior Citizens Law Center in Los Angeles, California, (213) 639-0930, ext. 313, or Toby Edelman at the Center for Medicare Advocacy in Washington, DC, at (202) 216-0028, ext. 104. Carlson said the lawsuit is a nationwide class action, and he’s seeking additional plaintiffs. Anyone who is interested in joining the lawsuit or helping to identify plaintiffs should contact Carlson. ▼