



### ***KHA's Federal Advocate***

**April 24, 2024**

#### **Nursing Home Staffing Standards Set by CMS**

The Centers for Medicare & Medicaid Services announced the final rule related to minimum staffing requirements for nursing homes participating in Medicare and Medicaid programs. Nursing homes will be required to follow designated nurse staffing standards:

- Provide residents with a minimum total of 3.48 hours of nursing care per day, which includes at least 0.55 hours of care from a registered nurse per resident per day, and 2.45 hours of care from a nurse aide per resident per day.
- Have a registered nurse on site 24 hours per day, seven days per week, to help mitigate against preventable safety events and deliver critical care to residents at any time.
- Conduct a stronger annual facility assessment than is currently required to improve the planning and identification of the resources and supports needed to care for residents based on their acuity during both day-to-day operations and emergencies. This process will need to include participation from direct care workers and others.
- Develop a staffing plan to maximize recruitment and retention.

CMS will also require states to collect and report on the percent of Medicaid payments spent on compensation for direct care workers and support staff delivering care in nursing facilities and intermediate care facilities for individuals with intellectual disabilities. To increase transparency and accountability, CMS will publicly report the data reported by states, and states will also be required to report this data for each facility on a state-operated website.

CMS is developing a \$75 million national nursing home staffing campaign to increase the number of nurses in nursing homes thereby enhancing residents' health and safety. Through this campaign, CMS will provide financial incentives for nurses to work in nursing homes.

While the Kansas Hospital Association supports a skilled and caring workforce delivering high quality and safe care, the process of staffing any health care facility is much more than achieving an arbitrary number set by regulation. KHA is concerned this could lead nursing homes to reduce capacity or close, and the loss of more nursing home beds could adversely impact patients who have completed hospital treatments and need continuing care in nursing facilities. KHA will continue to work with Congress and the Administration to advance

sustainable approaches to bolstering the health care workforce and delivering high quality, safe and accessible care.