SKILLED NURSING
Unfunded Minimum Staffing Mandate
SOLUTION

Our Ask for Congress:

Please cosponsor the Protecting America's Seniors' Access to Care Act (S. 750/H.R. 1303), introduced by Michelle Fischbach (R-MN-07) in the U.S. House of Representatives and Deb Fischer (R-NE) and James Lankford (R-OK) in the U.S. Senate. This is a straightforward bill that would prohibit the Department of Health and Human Services from implementing a final rule as written regarding minimum staffing for nursing facilities and would also establish an advisory panel on the nursing home workforce.

Background:

In April 2024, the Centers for Medicare & Medicaid Services (CMS) released a final rule for minimum staffing in skilled nursing facilities. Implementation of the unfunded, one-size-fits-all rule amid a historic and nationwide labor shortage threatens the displacement of more than 290,000 nursing home residents. This mandate will neither improve care nor address the workforce crisis. Without workforce development programs or funding, a staffing mandate will not create more caregivers or help nursing homes offer more competitive, higher-paying jobs. This impossible standard only threatens to shut down more nursing homes and severely limit access to care for our nation's most vulnerable seniors. Without a pipeline of new caregivers and resources to recruit, nursing homes will be forced to downsize or close to meet these requirements. Since the federal staffing mandate was announced, there has been a growing consensus among Members of Congress on both sides of the aisle, long term care advocates, and health care experts that the proposal will hurt our most vulnerable and that the Administration should reconsider its implementation.

Protecting America's Seniors' Access to Care Act:

The bipartisan Protecting America's Seniors' Access to Care Act (S. 750/H.R. 1303) would prohibit the U.S. Department of Health and Human Services (HHS) Secretary from implementing a final rule as written on nursing home staffing that could hurt facilities across the country and force closures creating access issues. The legislation would also establish an advisory panel on nursing home staffing. It would include voices from both urban and rural communities and range from nurses to licensed administrators to CMS. Within 60 days following their initial meeting, the panel would submit a report to Congress that analyzes workforce shortages and makes recommendations to strengthen the workforce (including investments in training for health professionals). This bill awaits passage on the House floor.

Supporters:

Between the Senate and House legislation, there are close to 1,100 national, state, and care provider organizations endorsing it. In addition to the American Health Care Association/National Center for Assisted Living, supporting organizations include such groups as the American Association of Post-Acute Care Nursing, American Hospital Association, American Seniors Housing Association, American Society of Consultant Pharmacists, Association of Jewish Aging Services, Catholic Health Association of the United States, Federation of American Hospitals, LeadingAge, Lutheran Services in America, National Association of State Veterans Homes, National Organization of State Offices of Rural Health and the National Rural Health Association.

FAST FACTS:

- **Nursing homes would need to hire 102,000 additional nurses and nurse aides that don't exist.**

- **94 percent of facilities are not currently meeting at least one of the requirements.**

- **Facilities that predominantly serve residents relying on Medicaid (which is chronically underfunded) are less likely to meet these requirements.**

- **The unfunded mandate is estimated to cost $6.5 billion per year to hire the necessary additional caregivers.**

- **More than 290,000 (nearly one-quarter) residents are at risk of displacement as facilities may have to reduce census in order to comply.**

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