

AHCA/NCAL

## CONGRESSIONAL BRIEFING

**JUNE 3-4, 2024**

Hyatt Regency  
Washington on  
Capitol Hill  
400 New Jersey Ave, NW  
Washington, DC

TALKING POINTS

# UNFUNDED STAFFING MANDATE PROPOSAL

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**Ask your Member of Congress to cosponsor the Protecting America's Seniors' Access to Care Act (S. 3410/H.R. 7513).**

**Background.** In April 2024, the Centers for Medicare & Medicaid Services (CMS) released a final rule for minimum staffing in skilled nursing facilities.

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

**There are no funds to pay for it.** The unfunded mandate is estimated to cost \$6.5 billion per year to hire the necessary additional caregivers. Facilities that predominantly serve residents relying on Medicaid (which is chronically underfunded) are less likely to meet these requirements.

**Facilities will not meet requirements.** 94% of facilities are not currently meeting at least one of the final requirements.

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

**Difficult path to hardship exemptions.** A facility cannot request an exemption, it requires evaluation during survey. The facility will need to be found noncompliant and cited. Then, in order to qualify, the facility must be in a location where the local workforce is 20% below the national average. CMS estimates that only 25% of facilities would meet the extensive criteria for exemptions.

## ASSISTED LIVING

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**Effects of Skilled Nursing Unfunded Staffing Mandate:** The federal minimum staffing mandate for nursing homes threatens to take away essential caregivers on which assisted living communities depend to serve hundreds of thousands of residents across the country.

*The staffing mandate does not create more caregivers; it just creates a situation where long term care facilities and other health care providers are all competing for a limited pool of caregivers.*

## FACILITY & COMMUNITY TOURS

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**Invite your Member of Congress to tour your facility or community when they are back in the district.**