

What They Are Saying: Health Care Experts, Lawmakers Express Serious Concerns Over Biden Administration's Proposed Staffing Mandate For Nursing Homes

Last week, the Centers for Medicare and Medicaid Services (CMS) released its proposed rule, Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting. The rule comes after a recent [CMS study](#) found that no single staffing level would guarantee quality care.

Voices from across the nation, including health care experts and lawmakers are calling the federal staffing requirement for nursing homes impossible to meet and warn that a blanket mandate is the wrong approach. See what they had to say:

[American Health Care Association \(AHCA\):](#)

It is unfathomable that the Biden Administration is proceeding with this federal staffing mandate proposal. Especially when just days ago, we learned that CMS' own study found that there is no single staffing level that would guarantee quality care.

At the very same time, nursing homes are facing the worst labor shortage in our sector's history, and seniors' access to care is under threat. This unfunded mandate, which will cost billions of dollars each year, will worsen this growing crisis...

We hope to convince the administration to never finalize this rule as it is unfounded, unfunded, and unrealistic. We will vigorously defend access to care for our nation's seniors and advocate for common sense solutions to improve quality and strengthen the long term care workforce.

[U.S. Senator Jon Tester \(D-MT\):](#)

At a time when rural states like Montana are experiencing challenging staffing shortages, it's completely unacceptable for the Biden Administration to impose a one-size-fits-all staffing mandate that will only make things harder on rural nursing homes. This is just the latest example of Washington bureaucrats displaying how little they understand about the challenges rural America faces, and I'll continue to fight back against burdensome mandates that simply do not work for communities across Montana.

[U.S. Representative Cathy McMorris Rodgers \(R-WA-05\), Chairwoman, U.S. House Committee on Energy & Commerce:](#)

America's seniors need access to quality care. Rather than helping to serve that goal, today's proposed rule fails to acknowledge the realities that nursing homes are facing and will harm more seniors than it helps. The rule will put nursing homes – particularly in rural areas – in an impossible dilemma as they grapple with how to manage current occupancy levels with the insufficient workforce available to meet the requirements. This rule fails to adequately balance the needs of seniors and nursing home staff in the face of the current staffing shortage gripping our nation. A one-size-fits-all mandate for nursing homes will not bring the results that the Biden administration hopes to achieve.

[Jasmine Travers, Assistant Professor, New York University Rory Meyers College of Nursing:](#)

Even if the Biden proposal isn't as tough as some expected, it's fair that providers are worried about their ability to find and afford enough staff to meet the requirement ... It sounds like [nursing homes are] crying out because they're being mandated to staff a certain number of hours per day, but I see it as them more crying out for supports.

[AMDA – The Society for Post-Acute and Long-Term Care Medicine:](#)

AMDA – The Society for Post-Acute and Long-Term Care Medicine, while applauding the effort by CMS to support staffing in nursing homes, is concerned about a 'one size fits all' approach of mandating a specific minimum number for all nursing facilities to meet...

The Society recognizes that while having adequate staffing is critically important, minimum staffing levels should not become a fixed ceiling. Staffing levels based only on resident-to-worker ratios or assumptions that staff availability is an easily fixable variable will not adequately or safely address and meet residents' needs...

The Society strongly urges CMS to not take a "one-size fits all" approach and take recommendations from its own study that clearly showed that no specific number is the solution.

[American Hospital Association \(AHA\):](#)

We are concerned that in proposing a one-size-fits-all numerical staffing threshold, CMS would remove the role of clinical judgment in staffing facilities, and inadvertently create patient access challenges across the health care system.

Implementing a numerical staffing threshold could drive nursing homes to further reduce capacity or close in order to meet the requirements. Fewer nursing home beds could adversely impact hospital patients who are denied the specialized care they are prescribed when they must stay, sometimes months, in hospital beds awaiting discharge to post-acute care settings. This could become especially dire in rural and underserved communities.

[LeadingAge:](#)

To say that we are disappointed that President Biden chose to move forward with the proposed staffing ratios despite clear evidence against them is an understatement.

We share the Administration's goal of ensuring access to quality nursing home care. This proposed rule works against that shared goal. One-size-fits-all staffing ratios don't guarantee quality, as the Administration's own Abt research findings made clear. That aside, it's meaningless to mandate staffing levels that cannot be met...

The Biden Administration has in this initiative an opportunity to change the narrative surrounding nursing homes. Commit to real solutions: prioritize immigration reform to help build the pipeline, increase reimbursement rates to cover the cost of care and increase wages.

U.S. Representative Jason Smith (R-MO-08), Chairman, House Committee on Ways & Means Committee:

Ensuring and expanding access to health care in rural and underserved areas, especially for America's seniors, must be a priority. Unfortunately, that will not happen under President Biden's proposal to impose a federal mandate for nursing home staffing levels. The Biden Administration's own estimates of the impact of their proposal reveal it would cost nursing homes more than \$40 billion and disproportionately burden nursing homes in rural and underserved areas. This one-size-fits-all deal would ripple through local communities, siphoning staff away from other facilities in desperate need of personnel such as hospitals and hospice facilities, worsening already chronic staff shortages. While President Biden pursues harmful mandates that may shutter nursing homes across the country, Congress will continue to look at solutions that will actually improve access to care for all Americans.

Alesia Frerichs, President and CEO of Lutheran Services in America:

Rural nursing homes are disappearing due to a shrinking direct care workforce, not a lack of quality standards. The uniform application of minimum staffing requirements doesn't get to the root of the problem: we need greater investment in developing the pipeline of skilled workers for these positions.

We urge the administration to work toward solutions that address this crisis and support providers in recruiting and retaining the workforce needed to ensure that all older adults can remain in the communities of their choice.

LaShuan Bethea, Executive Director, National Center for Assisted Living (NCAL):

Assisted living communities are at risk of losing staff. No matter where an assisted living community sits on this continuum, a federal minimum staffing mandate threatens to take away the essential staff on which these communities depend to provide high quality care for hundreds of thousands of residents.

Jeanne McGlynn Delgado, American Seniors Housing Association (ASHA):

While not directed at the senior living industry, there will certainly be communities – such as continuing care retirement communities with a nursing component, and those who participate in the Medicaid home- and community-based services program – impacted if the proposed CMS rule is implemented. The administration should redirect its efforts on ways to increase the workforce pipeline for the long-term care industry.