

DC Update

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Minimum Staffing Update



Timing & What We Know

- Rule issued 9-1-2023
- Formal 60-day comment period begins 9-6-2023
- Rule has been moderated from advocates original proposal
- Rule remains highly problematic

Proposed Minimum Staffing Impact Analysis

State

OH

Urban/Rural

All

Census Urban Area

All

Impact Summary

Nursing Facilities

Rural/Urban	SNFs
Rural	156
Urban	772
Total	928

% of Facilities Meeting Requirements

Rural/Urban	0	1	2	3	Total
Rural	40.4%	46.2%	12.8%	0.6%	100.0%
Urban	48.1%	36.4%	13.2%	2.3%	100.0%
Total	46.8%	38.0%	13.1%	2.0%	100.0%

Needed Full Time Equivalentents (FTEs)

Rural/Urban	Nurse Aides	Registered Nurses*	Total
Rural	932.4	156.62	1,089.0
Urban	5,401.4	985.83	6,387.3
Total	6,333.8	1,142.45	7,476.3

*RNs not a direct sum of individual requirements as meeting one RN requirement will help meet the other.

By Requirement

2.45 Nurse Aide Hours per Resident Day (HPRD)

Meet 2.45 NA HPRD?

☐ Select all

☐ No

☐ Yes

Nursing Homes Meeting Requirements

Meet Req?	No	Yes	Total
Rural	88.5%	11.5%	100.0%
Urban	87.8%	12.2%	100.0%
Total	87.9%	12.1%	100.0%

Additional FTEs Needed

6,333.8

Nurse Aides Needed

0.55 Registered Nurse (RN) HPRD

Meet 0.55 RN HPRD?

☐ Select all

☐ No

☐ Yes

Meet Req?	No	Yes	Total
Rural	42.9%	57.1%	100.0%
Urban	51.6%	48.4%	100.0%
Total	50.1%	49.9%	100.0%

956.6

RNs Needed

RN on Site 24 hours / 7 days a week

Meet RN 24/7?

☐ Select all

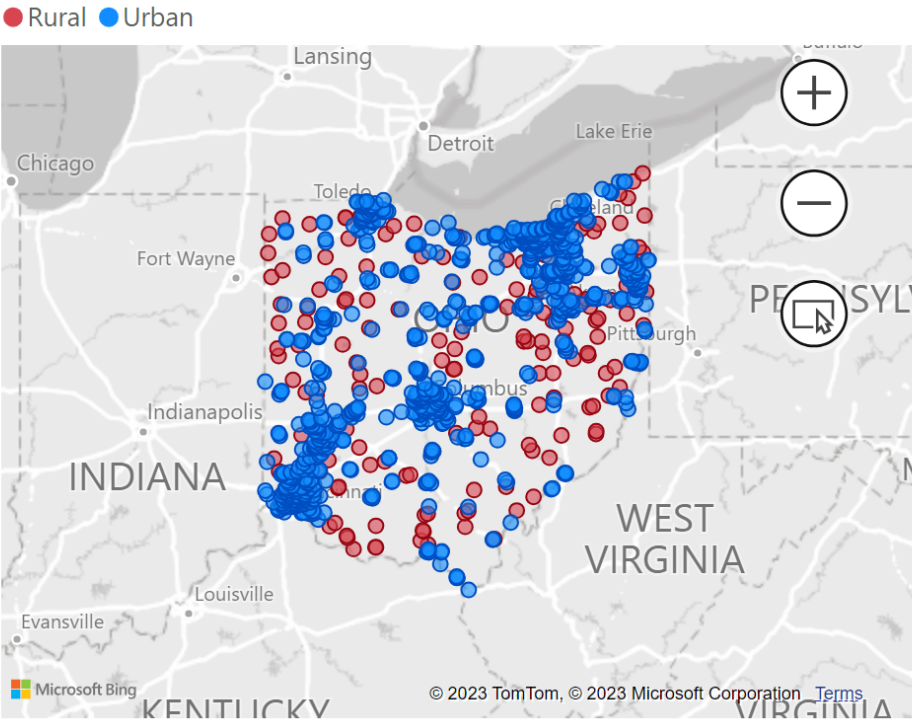
☐ No

☐ Yes

Meet Req?	No	Yes	Total
Rural	94.9%	5.1%	100.0%
Urban	90.8%	9.2%	100.0%
Total	91.5%	8.5%	100.0%

473.7

RNs Needed



By Requirement

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Hours per
Resident Day
(HPRD)

Meet 2.45 NA HPRD?

☐ Select all

☐ No

☐ Yes

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Additional FTEs Needed

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Nurse Aides Needed

0.55 Registered
Nurse (RN)
HPRD

Meet 0.55 RN HPRD?

☐ Select all

☐ No

☐ Yes

Meet Req?	No	Yes	Total
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Urban	51.6%	48.4%	100.0%
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RNs Needed

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☐ Select all

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RNs Needed



Objective

- Further moderate the rule
 - Funding
 - Longer phase-in for RN requirement
 - More inclusive count of RN hours (Nurse Management included)
 - Ease the waiver requirements
 - Ensure that LPN's are acknowledged as a part of the solution
- Gain Congressional Support to Change the Rule
 - Legislative fix (challenging)



Strategy

- Political Outreach
 - Engaging Congressional Leadership
 - Expanding Congressional Champions (Tester)
 - Engaging Governors and costs placed on states
 - Legislative proposals that fix problem (CHALLENGING)
- Grassroots – Proposed Rule Outreach
 - Formal Comments
 - 10,000 comment goal
 - Facility/Community Congressional Tours
 - 133 facility/community tours to date
 - Member Meetings



Strategy

- Coalition Building (AHA, Rural Health, Homecare, Leading Age)
- Media and Public Affairs Investment (targeted)
- Leveraging Rule to Advance Solutions (Lockout, TNA, Immigration)
- Engaging Administration



Asks: Encourage CMS To Do The Following

- Don't do this at all
- If you are going to do this, don't do it until the workforce returns
- Fund it
- Phase in over 5 years for urban and rural
- Count LPNs
- Count other workers (activities directors, social workers, etc. in the nurse aide category)



What You Can Do Now...

- Make contacts directly with members of congress that you have a relationship with. (Time to use the cell phone #)
- Ask for a meeting with District office to discuss the issue.
- Continue to invite Members of Congress to your facility.
- Engage your local press about the issue (OpEd, articles etc)
- Lobby Wednesday's in DC. We will coordinate mini fly-in's to underscore problems with rule.

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