

HHS Proposes New National Minimum Staffing Standards for Nursing Homes

Related Professionals

Sydney N. Pahren

Suzanne J. Scrutton

Related Industries

Health Care

CLIENT ALERT | 9.6.2023

On September 1, 2023, the U.S. Department of Health and Human Services (HHS), via the Centers for Medicare & Medicaid Services (CMS), issued a **proposed rule** outlining extensive staffing requirements for nursing homes, including enhanced facility assessment requirements and Medicaid payment transparency. One of the most significant proposed requirements is the implementation of new national minimum staffing standards. Under the proposed rule, nursing homes would need to provide:

- A Registered Nurse (RN) onsite 24/7;
- A minimum of 0.55 hours per resident day (HPRD) for RNs; and
- A minimum of 2.45 HPRD for nurse aides.

The proposed rule stems from the president's focus on improving the safety and quality of care in nursing homes across the U.S. as outlined [here](#). Although nursing homes have continued to struggle with staffing shortages throughout COVID-19 and beyond, CMS is proposing a staggered implementation and exemptions process to help nursing homes become prepared for the new requirements. Regardless of the staggered implementation, the new staffing standards would have a major financial impact on nursing homes attempting to meet all of the expected costs of the proposed staffing requirements.

Some of the other proposed requirements involve increased audits and investigations, as well as a requirement to collect and report compensation for workers as a percentage of Medicaid payments in order to provide payment transparency. You can find a detailed fact sheet from CMS summarizing the proposed rule [here](#).

There will be a 60-day comment period for interested parties to provide feedback and insight. Comments must be submitted to the Federal Register no later than November 6, 2023. We will keep you updated as this proposed rule develops. If you have any questions or concerns about how this proposed rule could impact your organization please contact Sydney N. Pahren, Robin Amicon, or Suzanne Scrutton.