UNFUNDED STAFFING MANDATE PROPOSAL

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

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

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