

New CMS Nursing Facility Minimum Staffing Standards

Richard P. Kusserow | September 2023

Key Points:

- For the first time, it would set national minimum nursing staffing
- High turnover has resulted in only 25% meeting current staffing standards
- Most are unlikely to meet the new standards
- OIG and CMS are also returning to pre-COVID enforcement levels
- Effective compliance program standards continue as another challenge

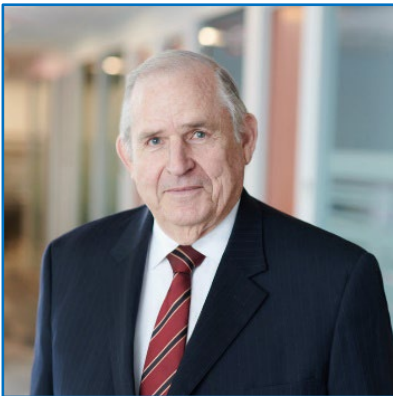
On September 2nd, CMS proposed that nursing homes participating in Medicare and Medicaid must meet new specific nurse staffing levels that promote safe, high-quality care for residents. Nursing homes would be required to provide for the first time national minimum nurse staffing. It also mandates providing residents with a minimum of 0.55 hours of care from a registered nurse per resident per day and 2.45 hours of care from a nurse aide per resident per day. Also required would be to ensure a registered nurse is on-site 24/7. Meeting these standards will prove to be a major challenge as nursing facilities are already plagued with staffing shortages because of extremely high turnover rates. Staffing has long been a challenge for the post-acute and long-term care sector even before the COVID-19 pandemic. A recent study [found](#) that the median staff turnover rate at 15,000 nursing home facilities in the U.S. was nearly 100%. Facilities with the lowest one-star rating from CMS had a median turnover of 135.3%, while the best five-star facilities had a turnover of 76.7%. The pandemic further added to this problem. As a result of the difficulty in hiring and retaining staff, it has been recently [reported](#) that only roughly one in four (26.8%) nursing homes met the current essential total care staff threshold. In a September 2023 [Report](#), the OIG estimated that 62% of nursing homes reported challenges regarding staffing.

Nursing homes have voiced their frustration at the widespread difficulty in finding workers willing to fill existing certified nursing assistant jobs, which are often grueling and pay less than what workers can make in other settings that provide better conditions, such as hospitals. Under the new guidelines, it can be reasonably expected that most nursing homes would fail to meet these standards.

CMS and the OIG also [announced](#) an increase in nursing home staffing audits and improved nursing home inspections to ensure cited deficiencies receive the appropriate consequence. This is in addition to the enforcement of effective compliance programs mandated under the

Affordable Care Act. For smaller nursing facilities, instead of hiring a Compliance/Privacy Officer, there is the option of using part-time compliance experts.

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About the Author

Richard P. Kusserow established Strategic Management Services, LLC, after retiring from being the DHHS Inspector General, and has assisted over 2,000 health care organizations and entities in developing, implementing and assessing compliance programs.