

CMS Releases Nursing Facility Staffing Proposed Rule

On September 1, 2023, the Centers for Medicare and Medicaid Services (CMS) posted the [public inspection version](#) of a proposed rule titled, *Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting*. This proposed rule is scheduled to be published to the Federal Register on 09/06/2023. The comment submission deadline is 11/06/2023.

In a related [fact sheet](#), CMS indicates that the proposed rule “seeks to establish comprehensive nurse staffing requirements to hold nursing homes accountable for providing safe and high-quality care” and provides a link to the CMS Nursing Home Resource Center, where the *2022 Nursing Home Staffing Study* can be accessed.

CMS notes that the proposed rule consists of the following three core staffing proposals with staggered implementation timelines:

Core Staffing Proposals	Proposed Implementation Timeline for Non-rural Facilities	Proposed Implementation Timeline for Rural Facilities
Enhanced facility assessment requirements	By 60 days after the publication date of the final rule	By 60 days after the publication date of the final rule
Requirement to have an RN onsite 24 hours a day, seven days a week	By two years after the publication date of the final rule	By three years after the publication date of the final rule
Minimum nurse staffing standards of 0.55 hours per resident day (HPRD) for Registered Nurses (RNs) and 2.45 HPRD for Nurse Aides (NAs)	By three years after the publication date of the final rule	By five years after the publication date of the final rule

In addition, the proposed rule includes:

- Proposed flexibilities that allow for a temporary hardship exemption in limited circumstances
- Proposed updates to the facility assessments
- New proposed institutional payment reporting requirements for states
- Provisions for promoting the public availability of Medicaid institutional payment information

If you have questions or need additional information, please contact the Powerback Rehabilitation and Powerback Respiratory email inquiry system at askregulatory@powerbackrehab.com.

CMS is also soliciting comment on:

- Alternative policy options that should be considered for establishing minimum nurse staffing standards
- Alternative policy options that would be better suited to meet and maintain acceptable quality and safety within long-term care facilities, with consideration for external factors affecting staffing
- The benefits and tradeoffs of different standards, evidence, or methodologies states use to establish minimum staffing standards and other key considerations

Additionally, in a related [press release](#), CMS provides a brief overview of announcements regarding the following related issues:

- Increasing Audits of Nursing Homes' Staffing
- Improving Nursing Home Inspections
- Ensuring Taxpayer Dollars Go Toward Safe, High-Quality Care
- Cracking Down on Inappropriate Antipsychotic Prescribing Practices and Risks
- Enhancing Resident Safety During Emergencies

Resources:

- [Federal Register webpage for the Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting Proposed Rule](#)
- [CMS Press Release - HHS Proposes Minimum Staffing Standards to Enhance Safety and Quality in Nursing Homes](#)
- [CMS Fact Sheet - Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting \(CMS 3442-P\)](#)
- [CMS Nursing Home Resource Center](#)
 - [2022 Nursing Home Staffing Study Final Report](#)
 - [Literature Review Results Table](#)
 - [State Minimum Staffing Requirement Table](#)

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