

Protect the Minimum Staffing Rule in Nursing Homes

In May 2024, after decades-long advocacy by residents, their families, workers, and other advocates, a minimum staffing standard was implemented in nursing homes. The modest but important step was the result of a rigorous regulatory process that included an exhaustive review of academic and scientific literature, a staffing study, and public input. Conscious of the challenges some nursing homes were facing in hiring staff, the final rule included numerous opportunities for facilities to receive exemptions. Additionally, the rule has a generous implementation period, providing nursing homes with years to prepare for compliance.

Studies have repeatedly shown that nursing homes with higher staffing levels provide better care to residents.¹ Data from CMS reveals that nursing homes with higher averages of nursing care per day have higher overall quality and fewer instances of abuse. **One analysis² estimated that this new rule would save 13,000 nursing home resident lives per year.**

When fully implemented in several years, the final rule will require:

- Nursing home residents receive, on average, 3.48 hours of direct care per day (HPRD). 2.45 HPRD must be from a certified nursing assistant (CNA), while .55 HPRD must be from a registered nurse (RN). The remaining time can be care provided by CNAs, RNs, or licensed practical nurses (LPNs).
- All facilities must have an RN on-site and available to provide care 24 hours per day, seven days for week.

This rule is modest. The overall 3.48 HPRD is less than the current national average. The rule addresses the most poorly staffed homes, where residents will feel the greatest impact. **The chart below shows how residents currently residing in the bottom quartile of staffed homes will see CNA caseloads reduced by 30%.**

Ratio of Staff to Residents for Poorest Staffed Homes Before and After the Rule		
Shift	Current	Under the New Rule
Morning	13 to 1 (.63 HPRD)	9 to 1 (.93 HPRD)
Evening	13 to 1 (.63 HPRD)	9 to 1 (.93 HPRD)
Night	21 to 1 (.39 HPRD)	14 to 1 (.59 HPRD)

The Minimum Staffing Standard Will Help Address the Job-Quality Crisis in Nursing Homes

Currently, according to data from CMS, the average annual turnover for direct care staff in nursing homes is 49%. High turnover is driven by a variety of factors, including low wages and benefits, overburdening of caseloads, lack of career advancement, and other issues. In 2024, the average wage for a CNA was only \$18.16.³ 39% of CNAs rely on some form of public assistance.⁴ A minimum staffing standard will require nursing homes to invest in workers, in order to reduce turnover and meet the needs of their residents.

For more information contact Sam Brooks at Consumer Voice: sbrooks@theconsumervoice.org.

¹ <https://live-the-consumer-voice.pantheonsite.io/wp-content/uploads/2024/05/Staffing-Matters.pdf>

² https://www.warren.senate.gov/imo/media/doc/letter_from_researchers_to_sen_warren_070824.pdf

³ <https://www.phinational.org/resource/direct-care-workers-in-the-united-states-key-facts-2024/>

⁴ Id.