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Consumer Voice's Statement Regarding Lawsuit Filed by Twenty States to Block Critical Staffing Protections for Nursing Home Residents

On October 9, 2024, twenty state attorneys general filed suit in federal court to block the implementation of the most significant increase in protections for nursing home residents in decades, the [minimum staffing rule](#). Finalized in May this year, the rule will require all nursing homes to meet minimum daily staffing requirements. The rule came out of the devastating impact COVID-19 had on nursing homes where over 200,000 residents and workers died from COVID-19, many living and working in understaffed homes. One [analysis](#) estimated that this new rule would save at least 13,000 lives annually.

It is irrefutable that nursing homes with higher levels of staff have better outcomes. Residents who live in poorly staffed homes experience higher levels of death, pressure ulcers, weight loss, falls, depression, and other harm. Importantly, the final rule was very modest; in fact, it was designed to bring up the poorest staffed homes in the country. Currently, residents who live in nursing homes that staff below the final staffing rule are at increased risk of harm and death. As a country, we cannot let that continue.

Since the rule was proposed, the nursing home industry has claimed that there is insufficient staff to meet heightened staffing requirements. They do not tell you that the nursing home industry has a job quality problem. On average, nursing homes experience [52% direct care staff turnover](#) each year. That's more than one out of every two workers. Turnover in health care is driven by poor wages and benefits, impossible workloads, lack of training, and few opportunities for career growth. The issue isn't a lack of people taking these much-needed jobs, but people aren't interested in them. Working conditions must be improved to retain staff and attract new people to the field. Without adequate staff, residents are not helped to the bathroom in a timely manner; they go without showers, and are left to languish in bed for hours or even days on end.

To address industry concerns, the rule provides for extensive delays in implementation and for exemptions. It will be two years before homes will be required to meet this standard (three years in rural areas). Further, many nursing

homes that cannot meet the staffing standard, even after making good-faith efforts to hire, will be eligible for an exemption from the rule.

The nursing home industry receives over \$90 billion dollars a year to provide nursing home care. Yet, the quality of care they provide is too often substandard. Frequently, this fact is driven by corporate greed. Recently, members of Congress [wrote to three of the largest nursing home chains](#) in the country, noting that these companies, over four years, were paid \$650 million in dividends, buyback, and executive compensation. This corporate greed takes money away from wages and benefits, which drives up turnover. Importantly, it also allows the nursing home industry to claim that there are not enough workers.

Unsurprisingly, there are [extreme differences](#) between the amount of staffing that for-profit nursing homes provide and that of non-profit nursing homes. On average, non-profit homes staff an hour more than for-profit nursing homes and perform better on [all measures](#) of quality. Why is it that thousands of non-profit homes currently staff at levels that far exceed the final staffing rule while for-profit homes do not?

Shamefully, these attorneys general, many of them elected officials, who are charged with protecting citizens, have taken up the cause of large corporations that put profit over patient outcomes. Have no doubt, failing to implement this rule will cause incalculable harm to residents, including death. Instead of rolling back protections for nursing home residents, these attorneys general should be asking where our taxpayer dollars are going and standing with our most vulnerable citizens, working to protect them, and ensuring they receive the proper care in our nation's nursing homes.

