

## Nursing Homes Must Have Sufficient Staff to Meet All Residents' Needs

The foundational federal law governing nursing home care, the Nursing Home Reform Act (NHRA), enacted as part of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) establishes a clear and binding requirement:

*“A skilled nursing facility must provide nursing services and specialized rehabilitative services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.” — 42 U.S.C. § 1395i-3(b)(4)(A)(i)*

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This statutory language is not aspirational—it is a legal obligation. It requires that staffing levels be sufficient to meet the individual needs of **every** resident, not just a facility-wide average. The law recognizes that nursing home residents have diverse and often complex care needs, and staffing must be responsive to those needs on a daily and shift-by-shift basis.

### Insufficient staffing leads to delayed, omitted, or substandard care, which can result in:

- Increased rates of falls<sup>i</sup>, infections<sup>ii</sup>, pressure ulcers<sup>iii</sup>, and hospitalizations<sup>iv</sup>
- Poor management of chronic conditions<sup>v</sup>
- Dehydration, malnutrition, and weight loss<sup>vi</sup>
- Greater use of antipsychotic medications and physical restraints<sup>vii</sup>
- Higher mortality rates<sup>viii</sup>

During the COVID-19 pandemic, nursing homes with lower staffing levels experienced significantly higher death rates. Numerous studies have shown that higher staffing, especially of registered nurses (RNs), is directly correlated with better health outcomes.<sup>ix</sup>

While recent efforts to implement a staffing standard have faced challenges in Congress and the courts, the NHRA still requires that nursing homes must staff to meet resident acuity. A recent paper recommended that nursing homes align nurse staffing levels with resident case mix using evidence-based benchmarks from years of staffing research.<sup>x</sup> This framework is a path forward to ensuring adequate staffing in nursing homes that meets the requirements of the NHRA.

## There is a Job Quality Crisis in Nursing Homes.

The nursing home industry often complains that there is not enough staff to meet staffing obligations. However, the data tells a different story. According to data from CMS, the average staff turnover nationally is 52%, meaning that the average nursing home must replace every other worker each year. It is job quality that plagues nursing homes.

High turnover in nursing homes is driven by poor wages and benefits, burdensome caseloads, lack of training, little opportunities for advancement and poor management.<sup>xi</sup>

Certified nursing assistants (CNAs) are the backbone of nursing homes, providing the significant majority of care to residents. According to research:

- 91% of CNAs are women, with 61% being people of color.
- CNAs are paid, on average, \$18.83 per hour.
- 42% of CNAs rely on public assistance, with 32% of CNAs relying on Medicaid.
- CNAs are five times more likely to experience workplace injuries compared to the average worker.<sup>xii</sup>

Until we address the critical issues that drive high turnover in nursing homes, adequate staffing will be difficult to attain.

## What Congress Can Do to Support Sufficient Staffing in Nursing Homes

- Fulfill the mandates of OBRA '87 by implementing legislation that requires all nursing homes to meet staffing requirements based on each resident's acuity and care needs.
- Support policies that require CMS to ensure staffing is adequate in nursing homes. These policies include:
  - Monitoring staffing levels in each facility and tying compliance to the acuity needs of residents.
  - Penalizing facilities that fail to meet residents' staffing needs. These penalties include civil monetary penalties, bans on new admissions, and revoking Medicare certification for facilities that repeatedly harm residents due to inadequate staffing.
  - Require robust oversight of the comprehensiveness of the "facility assessment," a tool required to be completed annual by nursing facilities to help determine what resources are necessary to meet residents' needs.

Residents deserve care that meets their needs, not care that fits within a facility's budget or staffing constraints. The law demands it, and the evidence supports it.

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