

The New York Times Shows Nursing Homes Are Not Meeting Staffing Requirements

The front page of [The New York Times](#) last Sunday—July 8, 2018—featured an article on nursing home staffing. “‘It’s Almost Like a Ghost Town.’ Most Nursing Homes Overstated Staffing for Years,” by Jordan Rau, reveals that a new reporting system based on [payroll-based data](#) indicates facilities have less staffing, especially on weekends, than previously reported to the government under the old [self-reported system](#). According to *The Times*, staff at an average facility had to care for about twice as many residents on those poorly staffed days.

The newly implemented payroll-based journal (PBJ) system shows that seven out of ten nursing homes had “lower staffing . . . with a 12 percent average decrease.” The data further highlight that, for at least one day in the last quarter of 2017, 25 percent of facilities “reported no registered nurses at work.” All licensed facilities are required to have an RN in the facility every day and, as the article explains, numerous studies show that lower staffing is tied to higher health violations. In fact, a landmark federal study in 2001 identified that at least 4.1 hours of direct care staff time is typically needed to meet a resident’s clinical needs. The increased care needs of residents over the past 17 years suggest that even higher levels of staffing may be necessary today.

Staffing is one of the most important indicators of quality and safety and, thus, the increase in transparency provided by these PBJ data are valuable and important. However, as *The Times* article suggests, the way in which these data are used in the Nursing Home Compare Five-Star Rating System may still be misleading consumers. Consumers often rely on Medicare’s [Nursing Home Compare](#) website when determining the quality of a potential nursing home; however, Medicare is still basing a nursing home’s staffing star-rating on comparisons to other facilities, “essentially grading on a curve.” The article notes that, as a result, “many homes have kept their rating even though their payroll records showed lower staffing than before.”

A senior vice president at the American Health Care Association, a nursing home industry group, said that there are legitimate reasons for why staffing varies between weekdays and weekends, noting that “there are fewer activities for residents and more family members around.” Unfortunately, some residents may not have families or loved ones willing or able to make sure their care needs are being met on weekends when facilities are not meeting their federally-mandated responsibilities. Some people, like Jay Vandemark, a resident at Beechtree Center for Rehabilitation & Nursing in Ithaca, New York, may all too often find that facilities become “almost like a ghost town” on weekends. As Mr. Vandemark told the *Times*, he “often roams the halls looking for an aide not already swamped with work when he needs help putting on his shirt.”

If you or a loved one are a resident at an understaffed nursing home, please know that you have rights.

Every nursing home resident is entitled to services that attain or maintain his or her “highest practicable physical, mental, and psychosocial well-being.” Under the federal Nursing Home Reform Law, this standard means that each nursing home must have sufficient staff with the competencies and skills necessary to meet resident care needs, including having a registered nurse on duty for eight hours a day, seven days a week, as well as having 24-hour licensed nursing service. Our organizations encourage residents and families to educate themselves about residents’ rights and to continue advocating for the care that residents are entitled to by law.

For additional information and resources on nursing home staffing requirements, please see www.nursinghome411.org and www.medicareadvocacy.org.