



IT STARTS WITH STAFFING: REQUIREMENTS AND RECOMMENDATIONS FOR PROVIDING SAFE AND QUALITY NURSING HOME CARE

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The National
CONSUMER VOICE
for Quality Long-Term Care
formerly NCCNHR

- Advocates for policies that support quality care and quality of life
- Empowers and educates consumers
- Trains and supports advocates
- Promotes the critical role of staff and best practices



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Administration's Proposed Reforms

1. Support Nursing Homes That Provide Safe, Adequate, Dignified Care
2. Enhance Accountability and Oversight
3. Increase Transparency
4. Create Pathways to Good-Paying Jobs
5. Ensure Pandemic and Emergency Preparedness in Nursing Homes

4/27/22, 1:26 PM

FACT SHEET: Protecting Seniors by Improving Safety and Quality of Care in the Nation's Nursing Homes | The White House

BRIEFING ROOM

FACT SHEET: Protecting Seniors by Improving Safety and Quality of Care in the Nation's Nursing Homes

FEBRUARY 28, 2022 • STATEMENTS AND RELEASES

All people deserve to be treated with dignity and respect and to have access to quality medical care. The President is committed to ensuring that all Americans, including older Americans and people with disabilities, live in a society that is accessible, inclusive, and equitable. To accomplish that goal, the Administration continues to be committed to home- and community-based services and ensuring that in no case should a health care facility be causing a patient harm. The President believes we must improve the quality of our nursing homes so that seniors, people with disabilities, and others living in nursing homes get the reliable, high-quality care they deserve. That's why he is announcing a set of reforms—developed by and implemented through the Department of Health and Human Services (HHS)—that will improve the safety and quality of nursing home care, hold nursing homes accountable for the care they provide, and make the quality of care and facility ownership more transparent so that potential residents and their loved ones can make informed decisions about care.

To do this, the reforms the President is announcing will ensure that:

- every nursing home provides a sufficient number of staff who are adequately trained to provide high-quality care;
- poorly performing nursing homes are held accountable for improper and unsafe care and immediately improve their services or are cut off from taxpayer dollars; and
- the public has better information about nursing home conditions so that they can find the best available options.

The pandemic has highlighted the tragic impact of substandard conditions at nursing homes, which are home to many of our most at-risk community members. More than 1.4 million people live in over 15,500 Medicare- and Medicaid-certified nursing homes across the nation. In the past two years, more than 200,000 residents and staff in nursing homes have died from COVID-19—nearly a quarter of all COVID-19 deaths in the United States.

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/28/fact-sheet-protecting-seniors-and-people-with-disabilities-by-improving-saf...> 1/8

Minimum staffing
standard

Promote single
occupancy rooms

Reduce
Unnecessary
Medications

Fund inspection
activities

Expand financial
penalties and other
enforcement
actions

Support state
efforts around
staffing and
workforce

QIO support for
nursing homes

Transparency of
ownership and
finances

Enhance nursing
home compare

Examine private
equity

Ensure affordable
nurse aide training

Emergency
preparedness and
pandemic
requirements

Increase
accountability for
chain owners

COVID testing,
vaccines, boosters
in nursing homes

On-site infection
preventionist
requirements

Launch national
career pathways
campaign

Integrate lessons
learned using
equity lens

Administration Staffing Reforms

- Staffing Study
- Minimum Staffing Standard
- Supporting Staff
 - Affordable Training
 - Support States' Efforts
 - National Nursing Career Pathways Campaign

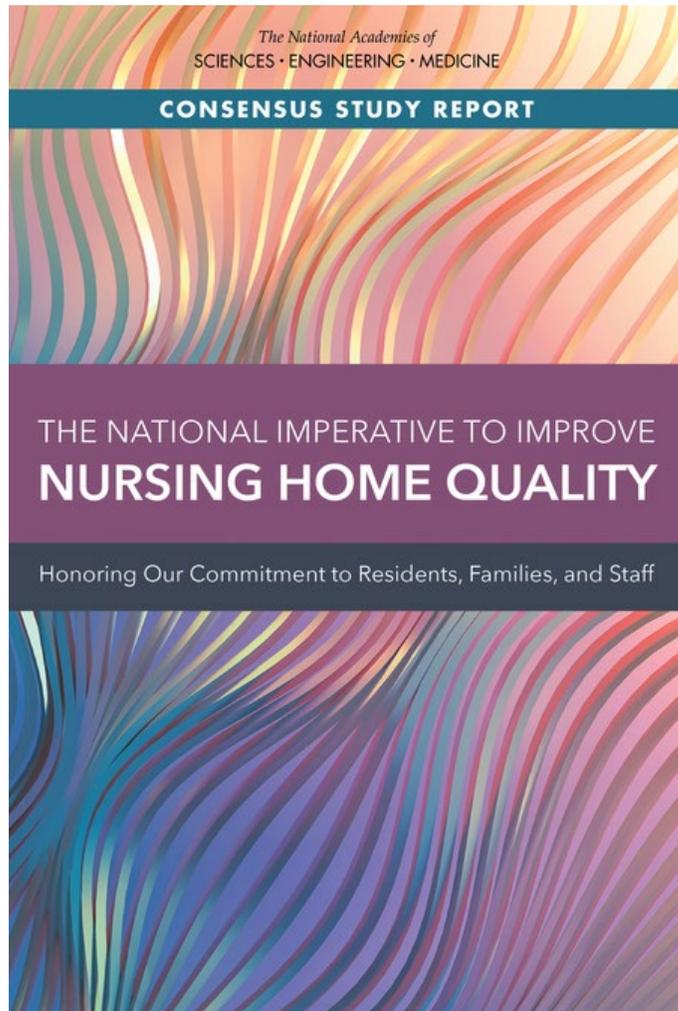


State Requirements for Total Nursing Staff Time Recommended

Staffing Standard: 4.1

Total hprd	# of States	States
4.10+	1	DC
3.50 – 4.09	6	CA, FL, IL, MA, NY, RI
3.00 – 3.49	6	AR, CT, DE, MD, VT, WA
2.50 – 2.99	8	ME, MS, NJ, NM, OH, OK, PA, WI
2.00 – 2.49	13	CO, GA, IA, ID, KS, LA, MI, MN, OR, SC, TN, WV, WY
1.50 – 1.99	1	MT
1.00 – 1.49	0	
<1.00	1	AZ

Source: **State Nursing Home Staffing Standards**, December 2021,
https://theconsumervoice.org/uploads/files/issues/CV_StaffingReport.pdf



<https://www.nationalacademies.org/our-work/the-quality-of-care-in-nursing-homes>

“immediate action is necessary to initiate fundamental change”

Calls for:

Minimum staffing standards • education and competency requirements • increased transparency and accountability for finances, operations, ownership • a specific percentage of payments designated for direct care • increased funding for the LTCOP • enforcement on owners with poor quality care across facilities • a health equity strategy for nursing homes • advance, empower workers

NASEM Staffing Recommendations

- Minimum Staffing Standard
- 24 Hour Registered Nurse
- Qualified Full-Time Social Worker
- Qualified Infection Control Preventionist

NASEM Cont'd-Investment in Staff

- Wages and Benefits
- Training
- Career Advancement
- Empowerment of CNAs

NPRM PPS, Value-Based Purchasing; Request For Information on Revising the Requirements for LTCFs to Establish Mandatory Minimum Staffing Requirements

Federal Register, Vol. 87, No. 73, Friday,
April 15, 2022, pp.22720

<https://www.govinfo.gov/content/pkg/FR-2022-04-15/pdf/2022-07906.pdf>

Submit Comments:

<https://www.regulations.gov>

Refer to file code CMS-1765-P

22720 Federal Register / Vol. 87, No. 73 / Friday, April 15, 2022 / Proposed Rules

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Medicare & Medicaid Services

42 CFR Part 413
[CMS-1765-P]
RIN 0938-AU78

Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Updates to the Quality Reporting Program and Value-Based Purchasing Program for Federal Fiscal Year 2023; Request for Information on Revising the Requirements for Long-Term Care Facilities To Establish Mandatory Minimum Staffing Levels

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would update: Payment rates; forecast error adjustment; diagnosis code mappings; the Patient Driven Payment Model (PDPM) parity adjustment, the SNF Quality Reporting Program (QRP), SNF Value-Based Purchasing (VBP) Program. It also proposes to establish a permanent cap policy. This proposed rule also includes a request for information related to long-term care (LTC) facilities. CMS requests comments on these proposals as well as on related subjects and announces the application of a risk adjustment for the SNF Readmission Measure for COVID-19 beginning in FY 2023.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, by June 10, 2022.

ADDRESSES: In commenting, please refer to file code CMS-1765-P. Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <https://www.regulations.gov>. Follow the "Submit a comment" instructions.
2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-1765-P, P.O. Box 8016, Baltimore, MD 21244-8016. Please allow sufficient time for mailed comments to be received before the close of the comment period.
3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-1765-P, Mail Stop CA-26-06, 7500 Security Boulevard, Baltimore, MD 21244-1850. For information on viewing public comments, see the beginning of the SUPPLEMENTARY INFORMATION section.

FOR FURTHER INFORMATION CONTACT: PDPM@cms.hhs.gov for issues related to the SNF PPS.
Heidi Magladry, (410) 786-6034, for information related to the skilled nursing facility quality reporting program.
Alexandro Labeaga, (410) 786-8625, for information related to the skilled nursing facility value-based purchasing program.

SUPPLEMENTARY INFORMATION:
Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <https://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on www.regulations.gov public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

Availability of Certain Tables Exclusively Through the Internet on the CMS Website

As discussed in the FY 2014 SNF PPS final rule (78 FR 47936), tables setting forth the Wage Index for Urban Areas Based on CBSA Labor Market Areas and the Wage Index Based on CBSA Labor Market Areas for Rural Areas are no longer published in the Federal Register. Instead, these tables are available exclusively through the internet on the CMS website. The wage index tables for this proposed rule can be accessed on the SNF PPS Wage Index home page, at <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNPPPS/WageIndex.html>. Readers who experience any problems accessing any of these online SNF PPS wage index tables should contact Kia Burwell at (410) 786-7816. To assist readers in referencing sections contained in this document, we are providing the following Table of Contents.

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COMMENTS DUE: JUNE 10, 2022

Webinar – May 25, 3:00pm ET

- Review and discuss the issues where feedback is requested in the CMS Request for Information
- For national, state, local advocates on submitting comments to CMS

Register at:

https://us02web.zoom.us/webinar/register/WN_cPBrSGHYSDCZ5eZrfO7cng

Sign up with Consumer Voice's [Action Network](#) to receive the registration link

Opportunities for Advocacy

- Support the Need for Reforms, including Staffing Requirements
 - Why are Reforms Needed?
 - Impact on Residents
 - Personal Stories
 - How to Share the Info:
 - Letters to the Editor
 - Social Media
 - Blogs
 - Letters/Emails to Members of Congress

<https://theconsumervoice.org/events/march-forth-together>

Consumer Voice Resources

https://theconsumervoice.org/issues/issue_details/staffing

The collage features three documents from The National Consumer Voice for Quality Long-Term Care. The top document is titled "Staffing Matters" and discusses President Biden's 2022 nursing home reforms. The middle document is a "SUMMARY REPORT" titled "State Nursing Home Staffing Standards". The bottom document is a report titled "Inadequate Staffing During the COVID-19 Pandemic AND ITS CATASTROPHIC EFFECTS ON NURSING HOMES RESIDENTS" dated MARCH 2022. The bottom document also includes a photograph of a caregiver's hands holding a resident's hand.

A blue rectangular graphic for a podcast. At the top, it says "A CONSUMER EDUCATION PODCAST". The main title "PURSUING QUALITY LONG-TERM CARE" is written in large white letters. In the bottom right corner, there are three small yellow heart icons.

<https://theconsumervoice.org/pursuingquality>



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