

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

PROVIDE INPUT IN YOUR FACILITY'S STAFFING ASSESSMENT: TIPS FOR RESIDENTS AND FAMILIES

FACT SHEET

Residents and families, and resident and family councils, can play a very important role in improving care and quality of life in a nursing home. This is even more true now that the Biden Administration has issued its rule¹ mandating minimum nursing home staffing.

The new rule calls for a minimum of 24/7 registered nurse (RNs) presence in every facility plus a minimum of 3.48 hours of nursing staff time per resident per day (HPRD). For more information on the new rule, visit <https://nursinghome411.org/federal-staffing-standard/>.

Importantly, this is just a bare minimum. **Nursing homes must also conduct a facility assessment to ensure that they have sufficient staff, with the appropriate skills and competencies, to meet the needs of their residents** based on each individual's acuity, care needs, and goals.

The new federal staffing rule requires nursing homes to solicit and consider input from residents and family members in conducting the facility assessment. Following are the relevant provisions in the regulations and tips to help ensure that your input is solicited.

Note: Information below is directly quoted or paraphrased from the Code of Federal Regulations (CFR), federal guidance, or other resources (see footnotes). Federal standards are applicable to all residents in licensed U.S. nursing homes, including short-term, long-term, private pay, Medicaid, Medicare, or privately insured.

Facility Assessment

42 C.F.R. § 483.71(b),

The facility must conduct and document a facility-wide assessment to determine what resources are necessary to care for its residents competently during both day-to-day operations (including nights and weekends) and emergencies. The facility must review and update that assessment, as necessary, and at least annually. The facility must also review and update this assessment whenever there is, or the facility plans for, any change that would require a substantial modification to any part of this assessment.

- In conducting the facility assessment, the facility must ensure active involvement of the following participants in the process:
 - Nursing home leadership and management, including but not limited to, a member of the governing body, the medical director, an administrator, and the director of nursing; and

¹ Available at <https://www.federalregister.gov/documents/2024/05/10/2024-08273/medicare-and-medicaid-programs-minimum-staffing-standards-for-long-term-care-facilities-and-medicaid>.

- Direct care staff, including but not limited to, RNs, LPNs/LVNs, NAs, and the representatives of the direct care staff, if applicable.
- **The facility must also solicit and consider input received from residents, resident representatives, and family members.**
- Facilities must use evidence-based methods when care planning² for their residents, including consideration for those residents with behavioral health needs.
- Facilities are required to develop a staffing plan to maximize recruitment and retention of staff.³

Tips for Residents and Families

Know Your Rights: Every resident, no matter their age, disability, or payment source, has the right to receive services that enable them to maintain their highest practicable level of function and live with comfort and dignity. Nursing homes must provide sufficient staff, with the appropriate competencies, to provide these services. For helpful resources, see LTCCC's [Fact Sheets](#).

Document Specific Concerns: If you notice specific staffing issues, [document these occurrences](#). Providing specific examples will strengthen your advocacy.

Collaborate with Other Families and Residents: There is strength in numbers! A unified voice is more likely to be heard and taken seriously by nursing home management.

Attend Family and/or Resident Council Meetings: If your nursing home has a family and/or resident council, attend the meetings to discuss various aspects of care, including staffing. Attend regularly to stay informed and to voice any concerns or suggestions regarding staffing levels. If your nursing home does not have family and or/ resident councils, [start one!](#)

Establish Open Communication: Make sure the nursing home administration and staff know that you are interested in providing feedback on staffing issues.

Be Constructive and Respectful: When providing feedback, be constructive and respectful in your approach. Focus on finding solutions that benefit both residents and staff.

Ask for the Assessment: Ask the nursing home administrator to see the assessment to ensure your concerns are addressed (note: they are not obliged to share it with residents or families).

Utilize Suggestion Boxes or Feedback Forms: Some nursing homes have suggestion boxes or feedback forms where you can anonymously provide input on staffing or other issues. If possible, keep a record of your suggestion to see if it is being implemented.

Schedule Regular Meetings with Management: If you have specific concerns about staffing, consider scheduling a meeting with the nursing home management to discuss them in detail. This allows you to have a focused discussion and ensure that your concerns are heard.

Share the Concerns You've Identified Beyond the Facility Assessment Process: The LTC Ombudsman Program can help you address staffing concerns. State inspectors should hear about your concerns and the fact that you provided input to your facility. If the problems you have identified are not adequately addressed, the record of your concerns can be used to support a complaint to your state survey agency, state Medicaid Fraud Control Unit, or the federal agency. Visit LTCCC's [Abuse, Neglect, & Crime Reporting Center](#) for contact information for these agencies.

² See LTCCC's fact sheet, Resident Assessment & Care Planning. Available at <https://nursinghome411.org/facts-resident-assess-plan/>.

³ See CMS's fact sheet, Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting Final Rule. Available at <https://www.cms.gov/newsroom/fact-sheets/medicare-and-medicaid-programs-minimum-staffing-standards-long-term-care-facilities-and-medicaid-0>.