

CMS Staffing Standard Set to Close Nursing Homes

CMS is preparing to release the long-awaited nursing home staffing standard which they promised sometime this spring. According to my celestial calendar, that means by June 20, 2023, give, or take a few hours. While we have little insight into the CMS proposal, there are numerous options. When the staffing standard is finally released, here are a few things that could be under consideration.

Which positions are included in the standard? Will CMS follow existing five-star criteria that includes both nurses with admin duties and the DNS or will it use a subset of these job codes?

What is the measurement period? Will CMS use a quarterly, monthly, daily or shift standard? CMS has the data to do all of these except the shift standard. Implementing a shift standard would be a significant administrative burden in addition to a financial burden.

Will the staffing mandate be one overall standard [e.g. 4.1 hprdⁱ]? Or, will there be other benchmarks such as hours for Registered Nurse staffing at a certain level or Nurse Aide staffing above a certain threshold?

Finally, will CMS adjust staffing based on acuity of the residents? It is important to note that staffing hours per resident day vary by more than an hour per resident day across the nation. Some states show high staffing while other states show lower staffing with one of the determining factors being the relative clinical needs of the resident populations being served. Please see the attachment showing current staffing by state.

There are other possibilities than those I mentioned above. Providers need to closely monitor the CMS staffing proposal knowing there is a significant financial burden to Providers. Numerous financial analysis or “what ifs” have been released and all of us are guessing at what CMS will propose.

One theory is that CMS will propose a daily standard of 4.1 hprd. Using my home state of Washington as an example, where Washington has a statewide quarterly average of 4.15 hprd [fourth quarter of 2022], it will cost providers overall \$41 million, and they will need to find 270 FTE’s in order to increase to a daily standard. States that start at lower overall staffing levels will have an even greater financial burden unless there is an adjustment for acuity.

Here in Washington, I wonder where we will find 270 additional staff to fill this gap given that we used 1,780,000 contract labor hours in 2022. Also, where is the \$41 million coming from given providers are already under funded in our Medicaid system by over \$100 million.

Absent significant funding, the result of the CMS staffing mandate will be to increase the cost of labor based on simple supply and demand, and force nursing homes into closure. How this is good for the frail elderly is beyond my comprehension.

ⁱ HPRD = Hours Per Resident Per Day



State Average CMS PBJ Staffing

Report Date: 5/9/2023

Date Range: 10/1/2022 to 12/31/2022

Staff: employees & contractors Week: weekdays & weekends

Data Source: CMS Payroll-Based Journal Public Use File

State	RN	RN Admin	RN DON	LPN	LPN Admin	CNA	Nurse Aide	Med Tech	Total	Avg Residents	Total Providers
Nation	0.40	0.12	0.06	0.79	0.08	2.00	0.07	0.09	3.61	1,176,291	14,698
AK	1.35	0.42	0.08	0.60	0.03	3.37	0.05	0.10	6.00	631	15
AL	0.35	0.12	0.05	0.77	0.07	2.08	0.16	0.10	3.69	20,296	220
AR	0.17	0.11	0.07	0.86	0.14	2.33	0.16	0.02	3.87	15,467	214
AZ	0.47	0.11	0.07	0.97	0.09	2.11	0.09	0.03	3.93	10,948	139
CA	0.37	0.07	0.06	1.01	0.13	2.46	0.03	0.00	4.13	94,031	1,133
CO	0.58	0.11	0.07	0.64	0.05	1.98	0.06	0.04	3.55	14,259	212
CT	0.37	0.20	0.05	0.81	0.03	2.07	0.02	0.01	3.56	19,653	202
DC	0.80	0.22	0.04	0.70	0.02	2.41	0.07	0.01	4.27	1,980	16
DE	0.58	0.23	0.06	0.90	0.03	2.14	0.01	0.00	3.95	3,592	42
FL	0.44	0.14	0.05	0.76	0.06	2.27	0.05	0.00	3.77	69,670	682
GA	0.24	0.10	0.06	0.93	0.08	1.84	0.04	0.05	3.33	28,854	351
HI	1.07	0.24	0.06	0.34	0.02	2.46	0.08	0.00	4.27	3,177	43
IA	0.49	0.11	0.10	0.53	0.06	2.08	0.04	0.24	3.65	19,638	405
ID	0.55	0.13	0.11	0.77	0.05	2.00	0.30	0.01	3.92	3,651	75
IL	0.49	0.10	0.06	0.59	0.06	1.85	0.03	0.00	3.17	59,274	690
IN	0.38	0.12	0.07	0.67	0.12	1.74	0.09	0.33	3.52	34,512	509
KS	0.44	0.12	0.10	0.63	0.05	1.93	0.02	0.58	3.88	14,330	295
KY	0.40	0.16	0.07	0.74	0.10	1.94	0.09	0.20	3.70	20,483	273
LA	0.11	0.06	0.06	0.95	0.17	2.13	0.04	0.00	3.52	22,570	257
MA	0.43	0.15	0.05	0.84	0.10	2.01	0.06	0.00	3.63	32,431	352
MD	0.52	0.16	0.05	0.84	0.07	1.88	0.05	0.09	3.67	22,132	220
ME	0.75	0.15	0.08	0.49	0.01	2.57	0.03	0.29	4.37	4,910	86
MI	0.43	0.16	0.06	0.85	0.07	2.12	0.07	0.00	3.77	32,825	424
MN	0.69	0.22	0.08	0.63	0.03	2.06	0.05	0.25	4.01	19,583	346
MO	0.25	0.07	0.07	0.60	0.07	1.49	0.20	0.36	3.10	33,677	493
MS	0.34	0.12	0.07	0.98	0.09	2.16	0.10	0.00	3.85	13,900	199
MT	0.57	0.13	0.08	0.53	0.05	2.09	0.07	0.08	3.60	3,096	61
NC	0.29	0.14	0.06	0.83	0.05	1.97	0.04	0.13	3.52	32,321	405
ND	0.57	0.19	0.08	0.59	0.02	2.75	0.02	0.22	4.45	4,501	75
NE	0.45	0.14	0.10	0.64	0.05	1.86	0.01	0.68	3.93	9,384	181
NH	0.48	0.14	0.06	0.75	0.05	2.08	0.03	0.14	3.73	5,465	72
NJ	0.40	0.19	0.05	0.82	0.06	1.98	0.07	0.00	3.57	38,640	347
NM	0.47	0.07	0.06	0.57	0.05	1.75	0.19	0.18	3.36	5,052	67
NV	0.48	0.14	0.06	0.93	0.11	2.02	0.08	0.00	3.82	5,354	62
NY	0.46	0.12	0.03	0.70	0.02	2.04	0.04	0.00	3.41	95,251	599
OH	0.36	0.12	0.07	0.86	0.09	1.88	0.04	0.01	3.44	64,551	936
OK	0.19	0.04	0.08	0.82	0.13	1.78	0.07	0.60	3.72	15,644	276
OR	0.41	0.16	0.10	0.85	0.10	2.71	0.19	0.32	4.83	6,113	125
PA	0.44	0.16	0.05	0.84	0.04	1.89	0.08	0.00	3.50	64,878	666
RI	0.56	0.12	0.05	0.49	0.02	2.22	0.01	0.17	3.65	6,783	74
SC	0.30	0.15	0.06	0.93	0.07	2.05	0.07	0.00	3.63	15,519	184
SD	0.55	0.17	0.08	0.42	0.02	1.96	0.05	0.33	3.59	4,632	94
TN	0.32	0.13	0.06	1.02	0.10	1.91	0.10	0.01	3.64	24,002	307
TX	0.21	0.05	0.07	0.85	0.15	1.57	0.09	0.25	3.24	83,245	1,178
UT	0.79	0.18	0.09	0.46	0.06	2.00	0.27	0.01	3.87	5,426	98
VA	0.30	0.14	0.05	0.92	0.09	1.79	0.08	0.00	3.37	26,797	285
VT	0.54	0.09	0.07	0.90	0.03	2.18	0.03	0.03	3.86	2,367	35
WA	0.61	0.15	0.08	0.73	0.09	2.23	0.24	0.02	4.15	12,648	192
WI	0.65	0.17	0.09	0.56	0.03	2.16	0.04	0.07	3.78	17,081	332
WV	0.40	0.15	0.06	0.88	0.02	1.96	0.05	0.00	3.53	9,129	121
WY	0.58	0.14	0.07	0.47	0.05	1.78	0.15	0.12	3.35	1,939	33