CMS Issues Final Rule Establishing Minimum Staffing Standards for Nursing Homes

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On April 22, 2024, the Centers for Medicare & Medicaid issued a final rule that, among other things, establishes a national minimum staffing requirement for nursing homes participating in Medicare and Medicaid. As a result, nursing homes will be required to follow designated nurse staffing standards including the following:

• Provide residents with nursing care for a minimum of 3.48 hours per resident day (HPRD), including at least 0.55 HPRD from registered nurses and 2.45 HPRD from nurse aides.

• Have a registered nurse on site 24 hours per day, seven days per week, to help mitigate against preventable safety events and deliver critical care to residents at any time.

• Conduct an enhanced annual facility assessment to improve the planning and identification of the resources and supports needed to care for residents based on their acuity during both normal operations and emergencies.

• Develop a staffing plan to maximize recruitment and retention.

Compliance with the staffing requirements in the final rule will be staggered over a period of up to 5 years for rural facilities and 3 years for non-rural facilities. The final rule also provides for exemptions if certain criteria are met, such as a good faith effort by the facility to hire and retain staff.

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