
From: Matt Shepard, Center for Medicare Advocacy
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Sent: Thursday, March 7, 2024 3:52 PM
To: Clarke Ross
Subject: CMA Alert | Medicare Advantage Plans Want "Stable" Overpayments; No Nursing Home Oversight Ever? and More

New From the House Ways & Means Committee: No Nursing Home Staffing Standards Ever

On March 6, 2024, the House Ways and Means Committee passed a bill, H.R. 7513, "Protecting America's Seniors' Access to Care Act," that prohibits the Secretary of Health and Human Services from promulgating any nursing home staffing standards, now or in the future. Specifically, it prohibits the finalizing, implementing, enforcing, or otherwise giving effect to the Biden Administration's proposed rule to establish staffing requirements. It also prohibits "any substantially similar rule." The vote was largely partisan. All Republicans on the Committee supported the bill; all Democrats but one opposed it. Republican Representatives may try, on the House floor, to add the bill to different legislative vehicles, including the fiscal year 2025 funding bill.

Congressman Lloyd Doggett (D, TX) "slammed the legislation" and said the bill "should be known as 'The Abandon Nursing Home Residents Act.'" He described the proposed rule as "modest, long-overdue minimum safe staffing standards." He cited his comment letter on the proposed rule, joined by more than 100 Members of Congress, to strengthen the proposed rule's staffing requirements and to mandate 4.2 hours of nursing care for each resident each day. Doggett cited opposition to H.R. 7513 by the National Consumer Voice for Quality Long-Term Care, AARP, National Committee to Preserve Social Security and Medicare, SEIU, AFL-CIO, and AFSCME.

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Tell Your Members of Congress to Oppose H.R. 7513

March 04, 2024

Residents need your help! In the coming days, the House of Representatives will be considering H.R. 7513, a bill that would prohibit federal regulators from ever creating rules about safe staffing in nursing homes.

Since President Biden announced his intention to implement a minimum staffing standard in nursing homes, the nursing home industry has been spending millions of dollars to oppose its implementation. The industry's latest effort is a bill in Congress that would prevent the federal agencies from EVER regulating staffing in nursing homes. Nursing home residents' lives are at stake.

Please stand with nursing home residents and workers and tell your members of Congress to reject H.R. 7513 and to support safe staffing in nursing homes. Use our online form to [send a letter](#) to your House member. We have already created a message for you to send. All you have to do is enter your name and address. We encourage you to share your own insight and experience!

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Consumer Voice envisions a world in which all consumers of long-term care, services and supports are treated with respect and dignity and have a wide range of affordable, quality options across all settings.

National Consumer Voice for Quality Long-Term Care

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House Ways and Means Committee passes bill blocking proposed CMS nursing home minimal staffing rule

MAR 21, 2024

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UPCOMING EVENTS



Key Takeaways

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- 🐦 The U.S. House ways and means committee sends bill blocking the proposed CMS nursing home minimal staffing rule to the House floor.
- 🐦 Approximately 75 percent of long-term care facilities would be required to add staff to comply with the CMS proposed staffing standard.
- 🐦 Counties provide direct services for older Americans and individuals with disabilities in approximately 758 county-owned or operated long-term care facilities.

On March 5, the U.S. House of Representatives Committee on Ways and Means marked up and reported out of committee the *Protect America's Senior's Access to Care Act* (H.R. 7513). If signed into law, this legislation would block the Center for Medicare and Medicaid (CMS)'s ability to finalize a rule establishing minimum staffing levels for skilled nursing facilities.

CMS minimum staffing standards rule

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In September 2023, CMS issued a proposed rule that would impose minimum staffing standards on facilities that participate in Medicaid or Medicare. Key highlights of the proposed rule

include:

- ☒ Requires long-term care facilities to have an average daily nurse staffing level equivalent to at least 0.55 hours per resident, or one registered nurse for every 44 residents
- ☒ Requires 2.45 nurse aide hours per resident per day, or approximately one aide for every 10 residents
- ☒ Requires at least one registered nurse to be on site 24 hours a day, seven days a week
- ☒ Does not include new funding for additional staff but sites recent workforce incentive initiatives under HHS
- ☒ Includes a “hardship exemption” which exempts the facility from punitive assessments for up to 1 year

What is NACo doing?

NACo supports the passage of H.R. 7013 and vocally opposes CMS’s finalization of the proposed rule on nursing home staffing minimums without further modification. In November, NACo submitted a letter to the U.S. Department of Health and Human Services (HHS) and CMS advocating county-owned and operated long-term care facilities and requesting significant changes to the proposed rule.

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