

# Biden administration sets nursing home staffing minimums

April 23 2024, by Robin Foster

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The first-ever minimum staffing rule has been set for nursing homes, the

Biden administration announced Monday.

Central to the [final rule](#), first proposed in September, is a requirement that a [registered nurse](#) be in every [skilled nursing facility](#) 24 hours a day, seven days a week.

It also mandates that there be enough staff to provide every [resident](#) with at least 3.48 hours of care each day. Last but not least, it strengthens rules for assessing the care needs of every resident, which should boost care for sicker residents.

"When facilities are understaffed, residents may go without basic necessities like baths, trips to the bathroom and meals—and it is less safe when residents have a medical emergency," the White House said in a [statement](#) announcing the new rule.

"Understaffing can also have a disproportionate impact on women and people of color who make up a large proportion of the nursing home workforce because, without sufficient support, these dedicated workers can't provide the care they know the residents deserve."

To be phased in over the next few years, the new rule will replace a vague standard that gives [nursing homes](#) wide latitude on staffing.

The nation's 15,000 nursing homes are regulated by the federal government, which pays for the majority of resident stays through the Medicare and Medicaid health insurance programs.

While the administration said the rule will improve care, industry groups took issue with the change.

"We are extremely disappointed and troubled that the Biden Administration is resolved to issue this unfunded staffing mandate

despite overwhelming concerns from experts, stakeholders and policymakers on both sides of the aisle," American Health Care Association President and CEO Mark Parkinson said in a [statement](#) released Monday.

"While it may be well-intentioned, the federal staffing mandate is an unreasonable standard that only threatens to shut down more nursing homes, displace hundreds of thousands of residents and restrict seniors' access to care."

"It is unconscionable that the Administration is finalizing this rule, given our nation's changing demographics and growing caregiver shortage," Parkinson added. "Issuing a final rule that demands hundreds of thousands of additional caregivers when there's a nationwide shortfall of nurses just creates an impossible task for providers. This unfunded mandate doesn't magically solve the nursing crisis."

The scope of the crisis is significant, U.S. health officials noted.

The administration received over 46,000 comments on the rule since it was proposed last September, according to the [U.S. Centers for Medicare and Medicaid Services](#).

The comments included reports of people lying in their own filth for hours, not being fed appropriately and being left on the floor too long after falling, U.S. Secretary of Health and Human Services Xavier Becerra told the Washington Post.

"These are the kinds of things that drive nightmares in the minds of family members," he said. "If you're claiming that you can't find nurses, then explain to me how you're running a nursing home."

Still, an industry study published last year found nearly all nursing homes

would not meet the new standards and would have to hire more people. Nursing homes would need to hire more than 80,077 nurse aides and 22,077 registered nurses, the study said.

Meanwhile, an [independent study](#) released last year by KFF, a nonprofit group specializing in health care, said around 80 percent of facilities would need to hire more staff to meet the new requirements.

The industry has warned that rural facilities may be forced to close if they can't meet the rules, the Post reported.

Nursing home owners in [urban areas](#) will have two years to comply with the rules, while rural operators will have three years. Operators in [rural areas](#) without enough workers can qualify for hardship exemptions, the administration noted.

Advocates for the health and safety of nursing home residents say operators could attract workers if they pay more, the Post reported. Front-line workers in nursing homes are paid around \$15 an hour, [according to PHI](#), a nonprofit that tracks wage data for elder care workers.

**More information:** Medicare has more on [nursing home staffing](#).

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