

# CMS Proposed Staffing Mandate Overview

September 2023



# Summary

	24/7 RN	.55 RN HPRD	2.45 CNA HPRD	Facility Assessment
Implementation	2 years / 3 years	3 years / 5 years	3 years / 5 years	60 days from final
Estimated Annual Cost	\$349 mil / \$5.97 PRPD	\$4.2 billion	\$13.24 PRPD	
South Dakota		87.7% meet	30.6% meet	
SDAHO Members		All meet	56.8% meet	
United States (14,994)		49.8% meet	27.2% meet	

## “Urban” as defined in Rule:

Aberdeen, Belle Fourche, Box Elder, Brandon, Harrisburg, Huron, Lead, Madison, Mitchell, Pierre, Rapid City, Sioux Falls, Spearfish, Sturgis, Summerset, Tea, Vermillion, Watertown, Yankton, Corsica, Brookings + (*per LeadingAge*) Alcester, Beresford, Centerville, Dell Rapids, Bridgewater, Canistota, Canton, New Underwood, Garretson, Viborg and Marion.

To qualify as an urban area, the territory identified according to criteria must encompass at least 2,000 housing units or have a population of at least 5,000.

# State Overview – Ranked by **RN Met**

State	Count	RN			Aide		
		Met	Not Met	Missing	Met	Not Met	Missing
GU	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%
DC	17	100.0%	0.0%	0.0%	52.9%	47.1%	0.0%
UT	98	95.9%	4.1%	0.0%	32.7%	67.3%	0.0%
HI	43	95.3%	0.0%	4.7%	51.2%	44.2%	4.7%
ME	87	93.1%	4.6%	2.3%	75.9%	21.8%	2.3%
DE	44	90.9%	6.8%	2.3%	15.9%	81.8%	2.3%
MN	349	90.8%	7.7%	1.4%	42.7%	55.9%	1.4%
ND	76	90.8%	3.9%	5.3%	76.3%	18.4%	5.3%
RI	75	90.7%	5.3%	4.0%	37.3%	58.7%	4.0%
AK	20	85.0%	0.0%	15.0%	85.0%	0.0%	15.0%
WI	331	84.9%	13.0%	2.1%	37.8%	60.1%	2.1%
SD	98	84.7%	11.2%	4.1%	30.6%	65.3%	4.1%
PR	6	83.3%	0.0%	16.7%	0.0%	83.3%	16.7%
WY	35	82.9%	14.3%	2.9%	37.1%	60.0%	2.9%
ID	81	81.5%	17.3%	1.2%	34.6%	64.2%	1.2%
WA	197	79.7%	17.3%	3.0%	54.8%	42.1%	3.0%
CO	217	77.4%	19.4%	3.2%	24.4%	72.4%	3.2%
NH	73	76.7%	23.3%	0.0%	32.9%	67.1%	0.0%
MD	225	73.3%	22.7%	4.0%	17.8%	78.2%	4.0%
MT	62	72.6%	22.6%	4.8%	37.1%	58.1%	4.8%
VT	34	70.6%	26.5%	2.9%	44.1%	52.9%	2.9%
PA	672	69.9%	28.9%	1.2%	14.9%	83.9%	1.2%
IA	411	69.8%	26.8%	3.4%	34.1%	62.5%	3.4%
MI	430	67.0%	30.9%	2.1%	29.3%	68.6%	2.1%
KS	313	64.9%	29.7%	5.4%	48.2%	46.3%	5.4%
NE	186	64.0%	31.2%	4.8%	50.0%	45.2%	4.8%
CT	203	63.5%	32.5%	3.9%	16.3%	79.8%	3.9%
WV	122	63.1%	35.2%	1.6%	18.9%	79.5%	1.6%



State	Count	RN			Aide		
State	Count	Met	Not Met	Missing	Met	Not Met	Missing
OR	129	62.0%	34.1%	3.9%	93.0%	3.1%	3.9%
NJ	348	60.6%	38.2%	1.1%	19.3%	79.6%	1.1%
MA	353	60.3%	36.8%	2.8%	14.4%	82.7%	2.8%
KY	274	60.2%	35.8%	4.0%	28.1%	67.9%	4.0%
IL	693	58.6%	40.5%	0.9%	16.7%	82.4%	0.9%
AZ	142	58.5%	40.1%	1.4%	25.4%	73.2%	1.4%
NV	67	55.2%	35.8%	9.0%	31.3%	59.7%	9.0%
FL	697	55.1%	43.2%	1.7%	26.5%	71.7%	1.7%
NM	68	52.9%	44.1%	2.9%	23.5%	73.5%	2.9%
IN	521	51.8%	46.4%	1.7%	19.6%	78.7%	1.7%
NY	606	51.7%	47.4%	1.0%	17.0%	82.0%	1.0%
OH	946	48.8%	49.0%	2.1%	11.7%	86.2%	2.1%
MS	202	47.0%	51.5%	1.5%	29.2%	69.3%	1.5%
AL	225	45.8%	52.0%	2.2%	43.1%	54.7%	2.2%
SC	188	40.4%	58.5%	1.1%	27.1%	71.8%	1.1%
TN	311	39.5%	57.9%	2.6%	10.3%	87.1%	2.6%
NC	420	38.1%	59.3%	2.6%	23.6%	73.8%	2.6%
VA	289	37.7%	59.5%	2.8%	14.5%	82.7%	2.8%
CA	1,170	30.4%	67.3%	2.3%	53.5%	44.2%	2.3%
GA	357	22.4%	75.9%	1.7%	14.3%	84.0%	1.7%
MO	509	21.2%	72.3%	6.5%	24.0%	69.5%	6.5%
TX	1,193	11.9%	85.2%	2.9%	9.9%	87.2%	2.9%
AR	218	9.2%	88.5%	2.3%	41.7%	56.0%	2.3%
OK	292	8.9%	84.9%	6.2%	41.4%	52.4%	6.2%
LA	269	3.3%	91.1%	5.6%	16.7%	77.7%	5.6%

# State Overview – Ranked by **Aide Met**

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WA	197	79.7%	17.3%	3.0%	54.8%	42.1%	3.0%
CA	1,170	30.4%	67.3%	2.3%	53.5%	44.2%	2.3%
DC	17	100.0%	0.0%	0.0%	52.9%	47.1%	0.0%
HI	43	95.3%	0.0%	4.7%	51.2%	44.2%	4.7%
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AL	225	45.8%	52.0%	2.2%	43.1%	54.7%	2.2%
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MO	509	21.2%	72.3%	6.5%	24.0%	69.5%	6.5%
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LA	269	3.3%	91.1%	5.6%	16.7%	77.7%	5.6%
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PA	672	69.9%	28.9%	1.2%	14.9%	83.9%	1.2%
VA	289	37.7%	59.5%	2.8%	14.5%	82.7%	2.8%
MA	353	60.3%	36.8%	2.8%	14.4%	82.7%	2.8%
GA	357	22.4%	75.9%	1.7%	14.3%	84.0%	1.7%
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TN	311	39.5%	57.9%	2.6%	10.3%	87.1%	2.6%
TX	1,193	11.9%	85.2%	2.9%	9.9%	87.2%	2.9%
PR	6	83.3%	0.0%	16.7%	0.0%	83.3%	16.7%

# Abt Associates Staffing Study – June 2023

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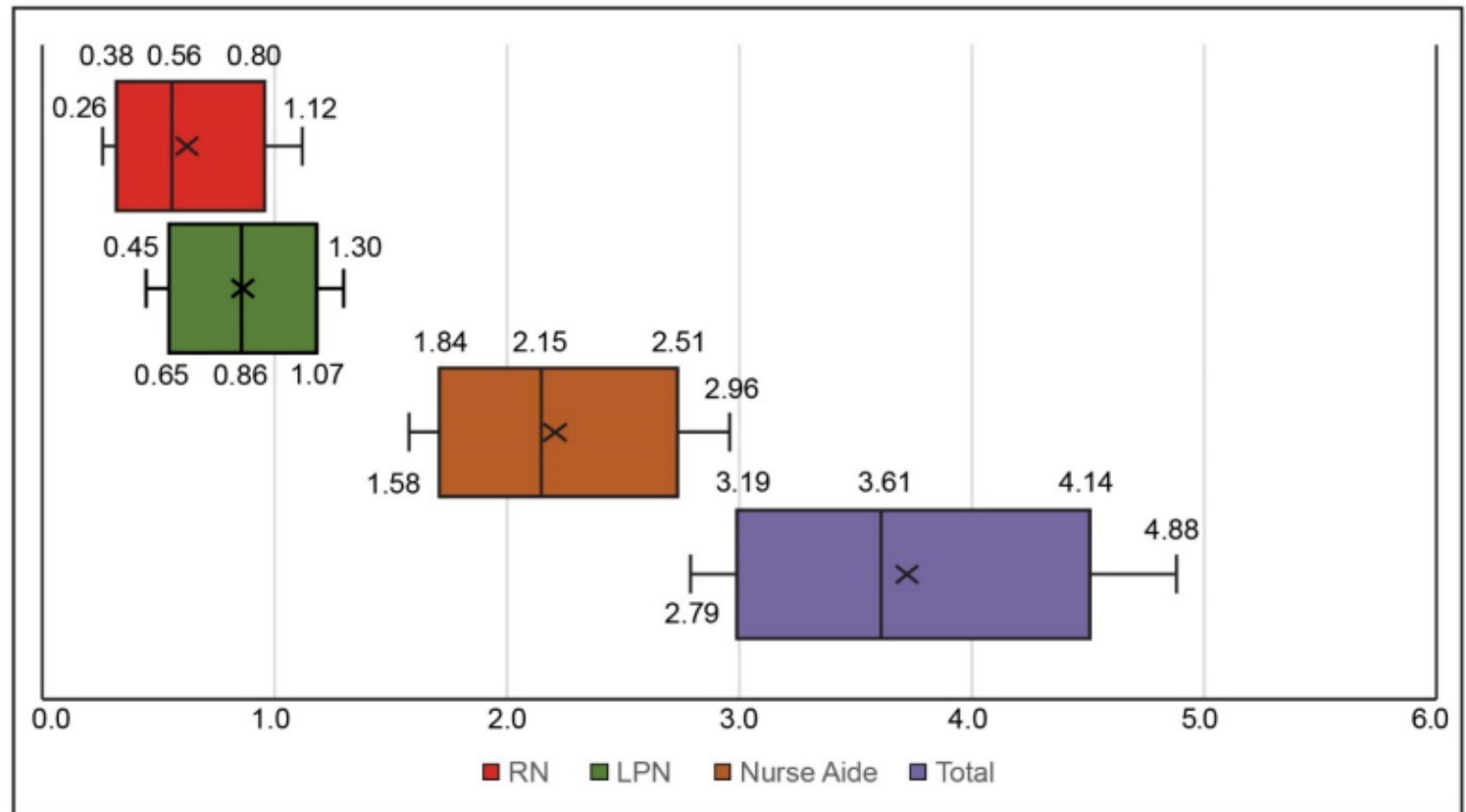
- Started in Feb 2022 with Biden’s call to action
- Funded by CMS to identify a minimum staffing requirement
- 360 nursing home staff, residents, and family members interviewed
- 684 stakeholder listening session attendees for sharing their experiences and insights.
- Observation of more than 8,000 instances of clinical care
- The Staffing Study was primarily conducted between May and December 2022, with some additional analytic work completed in 2023 – **478 pages.**

# Nursing Home Staffing Levels

## Nursing Home Staffing Levels

In 2022Q2, the mean RN staffing level in U.S. nursing homes was 0.67 HPRD, the mean LPN staffing level was 0.88 HPRD, the mean nurse aide staffing level was 2.22 HPRD, and the mean total nurse staffing level (RNs, LPNs, nurse aides) was 3.76 HPRD. However, there is considerable variation in nurse staffing levels across nursing homes around those means, with many nursing homes staffing at considerably higher levels and many nursing homes at considerably lower levels (**Exhibit 4.1**).

**Exhibit 4.1: Distribution of Nurse Staffing Levels in U.S. Nursing Homes, 2022Q2 (in HPRD)**



# Staffing Study – Key Findings

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- Thirty-eight states and the District of Columbia have a minimum staffing requirement.
- Recent literature underscores the relationship between nursing home staffing and quality outcomes; however, it does **not** provide a clear evidence basis for setting a minimum staffing level.
- The relationship of staffing with quality and safety **varies by staff type.**
- The total costs of additional staffing to meet a minimum staffing requirement range from **\$1.5 to \$6.8 billion** for the four potential minimum staffing requirement options presented in this report and vary with the structure of the minimum requirement.

# SD Nursing Supply

**Primary Employment Settings** As shown in Table 18 and Figure 16, most RN respondents held primary employment in a hospital, 38.3% (6,610), ambulatory care setting, 12.1% (2,082), or 'other' setting, 10.5% (1,808).

**Secondary Employment Settings** A total of 8.9% (1,530) of respondents worked for two or more employers. The majority were employed in 'other' settings, 29.6% (453), ambulatory care, 15.7% (240), and nursing home/extended care, 10.3% (159). See Table 18 and Figure 16.

Table 18: RN Employment Settings

Employment Settings	Primary		National Data <sup>1</sup>		Secondary	
			Primary			
Ambulatory care setting	2,082	12.1%	10.4%	240	15.7%	
Assisted living facility	175	1.0%	0.5%	41	2.6%	
Community health	262	1.5%	2.0%	36	2.4%	
Correctional facility	74	0.4%	0.7%	11	0.7%	
Dialysis center	175	1.0%	1.1%	18	1.2%	
Home health	431	2.5%	3.4%	98	6.4%	
Hospice	181	1.0%	1.8%	20	1.3%	
Hospital	6,610	38.3%	57.5%	0	0.0%	
Insurance claims/benefits	673	4.0%	2.0%	7	0.5%	
★ Nursing home/extended care	931	5.4%	3.9%	159	10.3%	
Occupational health	108	0.6%	0.7%	7	0.5%	
Other	1,808	10.5%	9.6%	453	29.6%	
Policy/planning/regulatory/licensing agency	51	0.3%	0.3%	0	0.0%	
Public health	167	1.0%	1.7%	23	1.5%	
School health services	228	1.3%	2.3%	37	2.4%	
School of nursing	222	1.3%	2.1%	116	7.6%	
APRNs	1,869	10.8%	--	--	--	
Unemployed/retired/volunteer/other emp.	1,188	6.9%	--	--	--	
No response	10	0.1%	--	264	17.3%	
<b>Total</b>	<b>17,245</b>	<b>100.0%</b>	<b>100.0%</b>	<b>1,530</b>	<b>100.0%</b>	



# Job Openings in SD

## Occupation Profile for Multiple Occupations in South Dakota

### Jobs Available Table

The table below shows the number of job openings advertised online in South Dakota for the occupations selected on September 5, 2023 (Jobs De-duplication Level 2) Opens in a new browser window.

Data	Licensed Practical and Licensed Vocational Nurses	Nursing Assistants	Registered Nurses
Job Openings	382	380	985

Source: Online advertised jobs data  
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**South Dakota RN Nursing  
School Throughput:**

893 RNs graduate

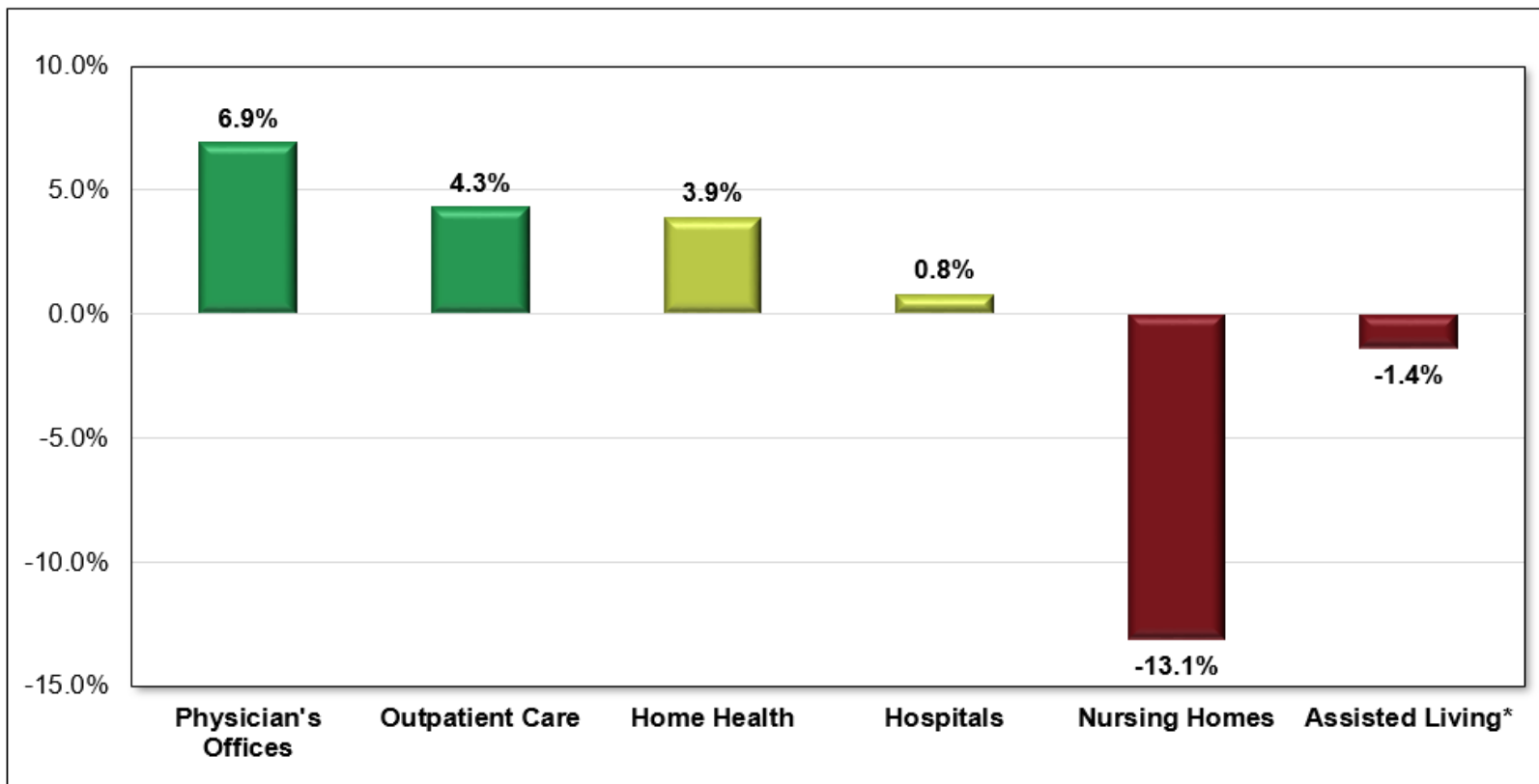
1083 Applicants

73% Remain in SD

**Percentage of Nurses  
Expected to Retire by**

**2027: 15.1%**

## Percent Change in Health Care Sector Employment March 2020 - December 2022



\*Assisted Living change: March 2020 - November 2022

61% of nursing homes limit new admissions due to workforce issues.

Source: Bureau of Labor Statistics, January 2023

Ziegler 32

# South Dakota Nursing Home Closures

## 2020-2023

- Custer
- Ipswich
- Lennox
- Clear Lake
- Salem
- Armor
- Elk Point
- Arlington
- Martin

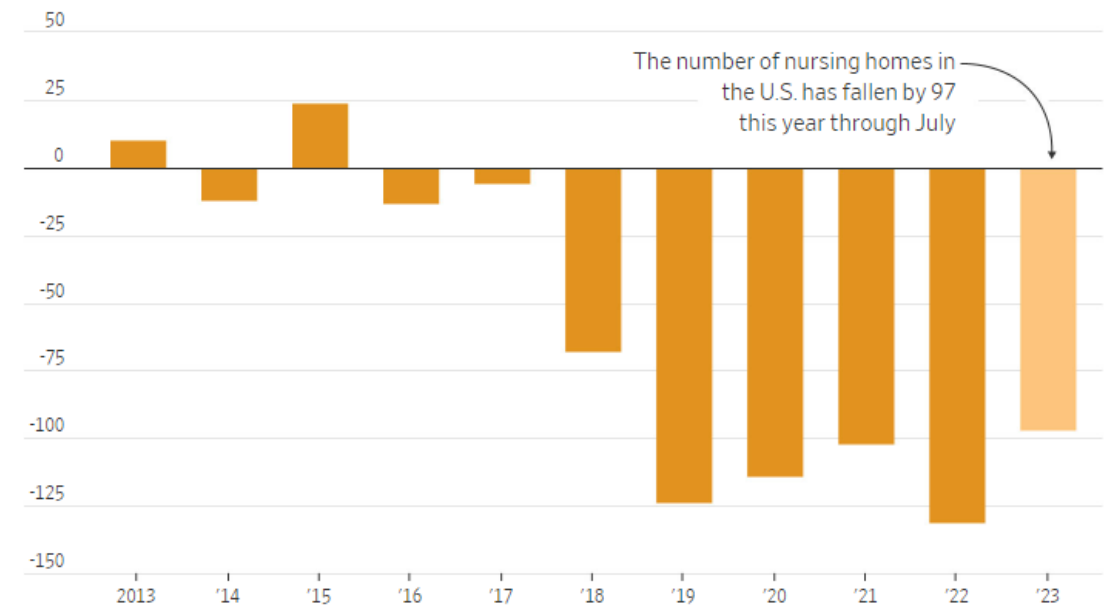
## 2015-2019

- Hudson
- Huron
- SF Covington
- Madison
- Mobridge
- Tripp
- Bryant
- Rosholt
- White

## The Upheaval at America's Disappearing Nursing Homes, in Charts

Patients spend months waiting in hospitals for nursing-home beds

Change in number of nursing homes

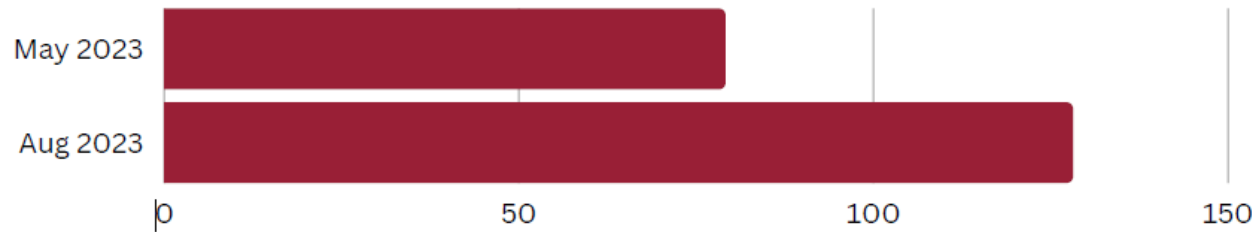


Note: Nursing-home counts are based on the number of facilities with federal certification numbers at year-end. Data for 2023 are through July.

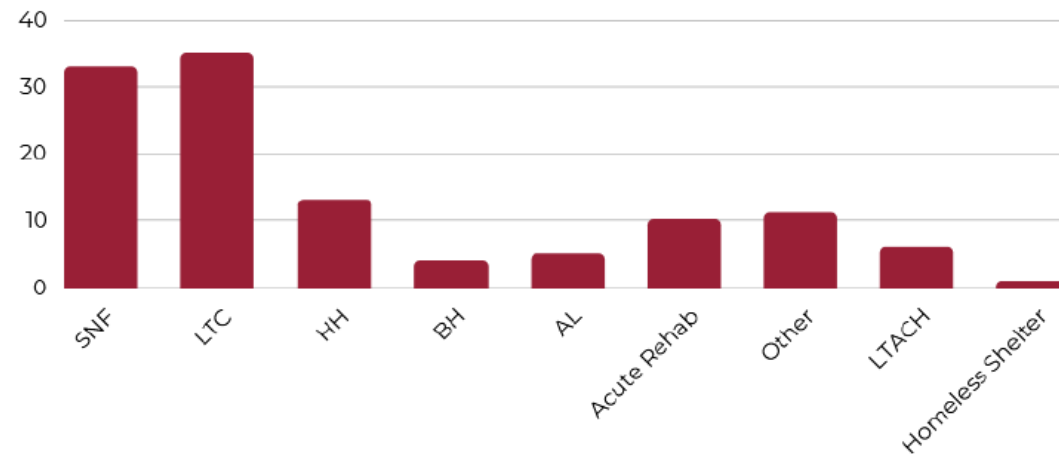
Source: Centers for Medicare and Medicaid Services

# Lack of Post-Acute Beds

## Patients Awaiting Discharge > 7 Days in SD Hospitals



## Patients Awaiting Discharge to Post-Acute Setting > 7 Days by Facility Type



On average it costs a hospital \$1,000 per day to care for these patients. The estimated impact at the time of the survey was \$2.26M.

Aug 2023 Survey

# Advocacy

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- Comment letters due by November 6
- One-page summary on impact
- Congressional visits
- Partnering with National Associations (LeadingAge, AHCA, AHA & NRHA)
- Member stories / letters
- Bipartisan letters from Congress to CMS and White House
- Develop alternative proposal & recommendations