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LeadingAge Minnesota Joins 20 Other State Affiliates in Lawsuit to Overturn CMS Staffing Mandate

Minneapolis, MN – LeadingAge Minnesota has joined with 20 other affiliated organizations, together representing hundreds of not-for-profit aging services providers across the country, in a lawsuit to overturn the Centers for Medicaid and Medicare Services' (CMS) staffing mandate. The mandate creates an untenable situation for senior care facilities across Minnesota and throughout the country.

Led by LeadingAge Iowa, LeadingAge Kansas, and LeadingAge South Carolina, alongside other state affiliates, the suit filed on October 8th in the United States District Court's Northern District of Iowa seeks a preliminary injunction in an effort to overturn the mandate itself.

CMS released the Nursing Home Minimum Staffing Standards final rule to the Federal Register in April. The rule requires all federally-funded nursing homes to submit a revised facility assessment and changes the minimum number of direct care nursing hours per resident per day (HPRD). Under the new rule, providers must provide 3.48 hours of direct nursing care per resident, per day and staff a registered nurse (RN) 24 hours a day. The rule also requires 0.55 RN and 2.45 certified nurse aide (CNA) coverage per resident, per day.

These newly-prescribed HPRDs mean nursing homes across Minnesota will need an additional 1,000 full-time RNs and CNAs and is expected to cost an extra \$75 million across the state at a cost of \$217 thousand per nursing home facility — an impossible requirement to meet amid a worldwide nursing shortage and dismal Medicaid reimbursement rates that do not fully cover the actual cost of care. Sadly, the HPRD requirements limits the utilization of licensed practical nurses (LPNs) who provide most of the direct patient care in nursing homes, potentially displacing hundreds of these workers across the state.

“In a time when we face ongoing workforce shortages, tying the hands of providers to meet an unattainable standard will not have the intended impact of increasing quality and will only further

jeopardize already limited access to care for seniors.” said LeadingAge Minnesota President and CEO Kari Thurlow. “The rule fails to embrace the unique care models we’ve implemented in Minnesota.”

LeadingAge Minnesota’s Board Chair noted that the industry needs solutions to the workforce shortage, not unattainable mandates.

“Increasing demand for nurses simply does not fix the supply crisis we are facing. Minnesota’s senior care sector is short nearly 17,000 workers in the wake of the pandemic. This mandate only makes a tenuous situation worse.” Jerry Carley, LeadingAge MN Board Chair.

About LeadingAge Minnesota

LeadingAge Minnesota is a network of mission-driven organizations serving older adults in all the places they call home. We represent over 60,000 people who serve seniors in aging services professions. Our network of members includes more than 1,100 aging services organizations.

Learn more at leadingagemn.org